

## ARTICLE III: REVIEW AND APPROVAL PROCEDURES

### DIVISION 2. SPECIAL EXCEPTIONS, VARIANCES, AND APPEALS

#### §1-19-3.210. SPECIAL EXCEPTIONS.

(A) [remains unchanged.]

(B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

[(1) and (2) remain unchanged;]

(3) ~~Operations in connection with any special exception use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would be the operations of any permitted use not requiring special exception approval; and~~ **OPERATIONS IN CONNECTION WITH THE SPECIAL EXCEPTION AT THE PROPOSED LOCATION SHALL NOT HAVE AN ADVERSE EFFECT SUCH AS NOISE, FUMES, VIBRATION OR OTHER CHARACTERISTICS ON NEIGHBORING PROPERTIES ABOVE AND BEYOND THOSE INHERENTLY ASSOCIATED WITH THE SPECIAL EXCEPTION AT ANY OTHER LOCATION WITHIN THE ZONING DISTRICT; AND**

[(4) and (5) remain unchanged;]

[(C – E) remain unchanged;]

(F) ~~Upon receipt of a notice of grant of special exception, the Zoning Administrator shall indicate the same in the proper place on the Zoning Map by use of appropriate code number or symbol.~~ **THE GRANT OF SPECIAL EXCEPTION MAY INCLUDE APPROVAL OF CUSTOMARY INCIDENTAL ACCESSORY USES AS REVIEWED AND APPROVED BY THE ZONING ADMINISTRATOR.**

[(G and H) remain unchanged;]

## ARTICLE IV: REGULATIONS APPLICABLE TO ALL DISTRICTS

### DIVISION 1. GENERALLY

#### §1-19-4.110. EXEMPTION OF ESSENTIAL SERVICES.

(A) **AS AUTHORIZED IN CHAPTER §2-13 OF THE FREDERICK COUNTY CODE, THE BOARD OF COUNTY COMMISSIONERS MAY ESTABLISH, EXTEND AND MAINTAIN WATER, SEWERAGE, DRAINAGE AND SOLID WASTE SYSTEMS IN THE COUNTY. AS SPECIFICALLY PROVIDED IN §2-13-3(D)5(III), IN EXERCISING THESE POWERS THE BOARD OF COUNTY COMMISSIONERS SHALL NOT BE SUBJECT TO THE PROVISIONS OF ANY PLANNING REGULATIONS OR ZONING ORDINANCES ENACTED UNDER THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND.**

(B) Government utilities shall be permitted in any district, it being the intention to exempt such facilities from the application of this chapter; except, that the plans of any overhead electric transmission line of 69 kilovolts or greater, of any cross country telephone trunk line, including microwave, transmission pipe line ~~or trunk sewer line~~ proposed to be created or installed in any district, shall be submitted to the Planning Commission in adequate time for its review and recommendation. A non-governmental utility that is proposed either on a site area measuring 1,500 square feet or less, or that includes a structure that measures 240 square feet or less and is 10 feet in height, is also exempt form the application of this chapter.

### DIVISION 3. ACCESSORY STRUCTURES

#### §1-19-4.300. ~~DEFINITIONS.~~ ACCESSORY STRUCTURE DEFINITION AND LOCATION.

(A) Accessory structures include garages, tool sheds, storage buildings, barns, signs, or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building. A mobile home is not an accessory structure, except as a tenant house on a farm.

#### ~~§1-19-4.300.1. LOCATION~~

~~No accessory building will be erected within the required front yard, except as provided in §1-19-200. No accessory structure will be erected within 6 feet of any lot lines or within 6 feet of any building on the lot, except as provided in §1-19-200. (Ord. 77-1-78, §40-47(B), 1-24-1977; Ord. 06-24-420, 6-20-2006)~~

(B) **NO ACCESSORY BUILDING, WIND ENERGY SYSTEM, SOLAR ARRAY OR ASSOCIATED STRUCTURE, WILL BE ERECTED WITHIN THE REQUIRED FRONT YARD SETBACK, EXCEPT AS PROVIDED IN §1-19-8.250.1. NO ACCESSORY STRUCTURE WILL BE ERECTED WITHIN 6 FEET OF ANY LOT LINES OR WITHIN 6 FEET OF ANY BUILDING ON THE LOT, EXCEPT AS PROVIDED IN §1-19-8.250.1. (Ord. 77-1-78, §40-47(B), 1-24-1977; Ord. 06-24-420, 6-20-2006)**

(C) **ACCESSORY STRUCTURES SHALL BE LOCATED ON THE SAME PARCEL AS THE PRINCIPAL PERMITTED USE OR STRUCTURE.**

(D) **ACCESSORY STRUCTURES SHALL NOT EXCEED SEVENTY PERCENT (70%) OF THE MAXIMUM HEIGHT ALLOWED FOR THE PRINCIPAL PERMITTED USE, EXCEPT AS OTHERWISE PROVIDED WITHIN THIS CHAPTER.**

(E) **ACCESSORY STRUCTURES OVER TWELVE (12) FEET IN HEIGHT SHALL BE SET BACK ONE (1) ADDITIONAL FOOT FOR EACH FOOT OF HEIGHT OVER TWELVE (12) FEET BUT NOT MORE THAN THE MINIMUM SETBACK FOR THE PRINCIPAL PERMITTED STRUCTURE AS PROVIDED FOR IN SECTION 1-19-6.100 DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.**

## ARTICLE V: ZONING MAP AND DISTRICTS

### DIVISION 2. ZONING DISTRICTS

#### §1-19-5.210. RESOURCE CONSERVATION ZONING DISTRICT (RC).

The purpose of the Resource Conservation Zoning District is to allow low intensity uses and activities which are compatible with the goal of resource conservation to be located within mountain and rural wooded areas. Areas within this district include mountain areas, rural woodlands, and cultural, scenic, and recreation resource areas. Environmentally sensitive areas within the resource conservation zone including, **FEMA FLOODPLAIN**, steep slopes, wetlands and the habitats of threatened and endangered species, will be protected from development.

#### §1-19-5.260. EUCLIDEAN INSTITUTIONAL ZONING DISTRICT (le).

THE EUCLIDEAN INSTITUTIONAL ZONING DISTRICT IS ESTABLISHED TO PROVIDE FOR COLLEGE OR UNIVERSITY, **PRIVATE SCHOOL, ELEMENTARY OR SECONDARY SCHOOL**, CIVIC COMMUNITY CENTER, CIVIC SERVICE CLUB, AND PLACE OF WORSHIP LAND USES NOT MEETING THE INSTITUTIONAL FLOATING ZONING DISTRICT REQUIREMENTS, AS PERMITTED AND FORMALLY RECOGNIZED AS EXISTING **OR WITH SITE DEVELOPMENT PLAN APPROVAL**, WITHIN THE AGRICULTURAL ZONING DISTRICT PRIOR TO THE CREATION OF THE INSTITUTIONAL FLOATING ZONING DISTRICT (I) ON XXX.

#### §1-19-5.270. EUCLIDEAN OPEN SPACE RECREATION ZONING DISTRICT (OSRe).

THE EUCLIDEAN OPEN SPACE RECREATION ZONING DISTRICT IS ESTABLISHED TO PROVIDE FOR RECREATIONAL VEHICLE CAMPGROUND, GOLF COURSE, GOLF DRIVING RANGE, AND MINIATURE GOLF LAND USES NOT MEETING THE OPEN SPACE RECREATION FLOATING ZONING DISTRICT REQUIREMENTS, AS PERMITTED AND FORMALLY RECOGNIZED AS EXISTING **OR WITH SITE DEVELOPMENT PLAN APPROVAL**, WITHIN THE AGRICULTURAL ZONING DISTRICT PRIOR TO THE CREATION OF THE OPEN SPACE/RECREATION FLOATING ZONING DISTRICT (OSR) ON XXX.

### DIVISION 3. USE TABLE

#### §1-19-5.300. GENERALLY.

(A) The official schedule of district regulations follows in §§ 1-19-5.310 and 1-19-6.100 of this Code.

(B) Additional supplementary district regulations are found in §§ 1-19-7.100 through 1-19-7.620 of this Code. The specific district regulations are set out in § 1-19-5.300 of this Code and are in 2 tables.

(C) Table I is § 1-19-5.310 of this Code and sets out the permitted uses in each zoning district and the type of required development review.

(D) Table II is § 1-19-6.100 of this Code and sets out the minimum lot area, frontage, yards and the maximum building height allowed for permitted uses in each zoning district.

**(E) UNLISTED USES**

**(1) A USE NOT SPECIFICALLY LISTED IN §1-19-5.310 USE TABLE IS PRESUMED TO BE PROHIBITED, EXCEPT WHEN:**

- A. PERMITTED IN ANY ZONING DISTRICT BY STATE STATUTE; OR**
- B. THE ZONING ADMINISTRATOR UPON REQUEST PROVIDES A WRITTEN DETERMINATION THAT A PROPOSED USE IS PERMITTED DUE TO ITS SIMILARITY TO A PARTICULAR USE PERMITTED WITHIN THE ZONING DISTRICT.**

§1-19-5.310. USE TABLE.

**(A) PERMITTED USES AND REQUIRED DEVELOPMENT REVIEW**

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160 through 1-19-3.300, 1-19-3.300.2

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Natural Resources Uses</i>														
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural value added processing	P ***	P ***												
Agritourism enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial greenhouses and nurseries	E	E	-	-	-	-	-	-	-	-	PS	-	PS	PS
<b>NURSERY RETAIL</b>	<b>PS</b>	<b>PS</b>									<b>PS</b>		<b>PS</b>	<b>PS</b>
<b>NURSERY WHOLESALE</b>	<b>P</b>	<b>P</b>									<b>P</b>		<b>P</b>	<b>P</b>
Farm winery	P ***	P ***												
Farm winery tasting room	P ***	P ***												
<b>LIMITED</b> Roadside stands <del>retail and wholesale</del>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>	PS	PS					PS	PS	PS			

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Natural Resources Uses (cont.)</i>														
<b>COMMERCIAL ROADSIDE STAND</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>					<b>PS</b>	<b>PS</b>	<b>PS</b>			
Forestry	P	P	P	P	P	P	P	P		P	P		P	P
Sawmill	<del>PS</del> <b>E</b>	<del>PS</del> <b>E</b>												PS
Mineral extraction														PS
Mineral processing														PS
Spring water harvesting and storage	E													
Intensive swine farm														
<i>Residential Uses</i>														
Single-family detached	P	P	P	P	P	P	P	P	P					
Duplex dwelling			P	P	P	P	P	P	PS					
Two-family dwelling		P	P	P	P	P	P	P	PS					
Townhouse				PS*	PS	PS	PS	PS	PS					
Multifamily dwellings						PS	PS	PS	PS					
Multifamily group developments						PS	PS	PS	PS					
Mobile homes	P	P												
<del>Dwellings on same property and in conjunction with a permitted use, i.e. owner, eCaretaker</del> <b>APARTMENT RESIDENCE</b>	<b>PS</b>	<b>PS</b>							PS	P	P		P	P

Exhibit 1 –A/RC Use and Definitions *Draft* Text Amendment ZT-08-xx (New text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Residential Uses (cont.)</i>														
Accessory apartments	E	E	E	E	E	E	E	E	E					
<del>Transient</del> <b>TEMPORARY</b> Housing														
<del>Boarding house or tourist home</del> <b>BED AND BREAKFAST</b>	<del>E</del> PS	<del>PS</del> PS				PS	PS	PS	PS	PS	PS			
Motel, hotel									PS	PS	PS	PS	PS	
Travel trailer park	-	E	-	-	-	-	-	-	-	E	-	-	-	-
Tent campground	E	E	-	-	-	-	-	-	-	-	-	-	-	-
Temporary mobile home	T	T	T											
<i>Commercial Uses – Retail</i>														
Antique, artisan and craft shops	E	E							PS	PS	PS			
Apparel store									PS		PS			
Appliance sales and service									PS		PS			
Auction house									PS		PS		PS	PS
Food stores									PS		PS			
Boats, sales and service											PS		PS	PS
Book and magazine									PS		PS			
Camera									PS		PS			
Convenience stores									PS	PS	PS			
Department store or variety store									PS		PS			
Farm equipment sales or service****		E							PS		PS		PS	PS

Exhibit 1 –A/RC Use and Definitions *Draft* Text Amendment ZT-08-xx (New text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Commercial Uses – Retail (cont.)</i>														
Feed and grain mills		E											PS	PS
Retail sales and service														
Florist									PS		PS			
Furniture repair									PS		PS		PS	PS
Shopping center									PS		PS			
Gift/souvenir									PS	PS	PS			
Hardware/ <b>GARDEN CENTER</b>									PS		PS			
Hobby/ <del>craft shop</del> / <del>gallery</del>									PS		PS			
Horse tack and saddlery shop		E							PS		PS			
Household furnishing									PS		PS			
Jewelry									PS		PS			
Lumber yard											PS		PS	PS
Mobile home sales											PS		PS	PS
Music and record shops									PS		PS			
Office equipment									PS		PS			
Paint store									PS		PS			
<b>PET STORE</b>									<b>PS</b>		<b>PS</b>			
<b>PET TRAINING/DAY CARE/GROOMING FACILITY</b>									<b>PS</b>		<b>PS</b>			
Pharmacy									PS		PS			



<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Commercial Uses – Retail (cont.)</i>														
Radio and TV sales and service									PS		PS			
Shoe store									PS		PS			
Sporting goods									PS		PS			
Stone monument sales									PS		PS		PS	PS
Tobacco store									PS		PS			
Toy store									PS		PS			
Liquor store									PS		PS			
<i>Commercial Business and Personal Services</i>														
Advertising agency									PS		PS			
Bank or savings and loan									PS		PS	PS		
Broadcasting studio									PS		PS	PS	PS	PS
Communication towers**	E	E								PS	PS	PS	PS	PS
Barber and beauty shops									PS		PS			
Bus depot										PS	PS		PS	PS
Carpentry, electrical, plumbing, welding, printing, upholstery									PS		PS		PS	PS
Contractors, fencing, pool and siding											PS		PS	PS
Commercial or business school											PS			

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R1 6	VC	HS	GC	ORI	LI	GI
<i>Commercial Business and Personal Services (cont.)</i>														
Dance or music studio									PS		PS			
Dry cleaning and Laundromat****									PS		PS			
Funeral home											PS			
Fortuneteller									PS		PS			
<b>LANDSCAPING CONTRACTOR</b>		E									<b>PS</b>		<b>PS</b>	<b>PS</b>
Medical clinic									PS		PS	PS	PS	PS
Office business									PS		PS	PS	PS	PS
Office professional					E	E	E	E	PS		PS	PS		
Photography studio****									PS		PS		PS	
Restaurant									PS	PS	PS	PS	PS	
Country inn	E	E												
<i>Wholesaling and Processing</i>														
Agricultural products processing	E	E									PS		PS	PS
Bottling plant											PS		PS	PS
Contractors, equipment and material storage yard														PS
Carpet or rug cleaning****											PS		PS	PS
Contractors office and storage													PS	
<del>Explosive materials storage</del>	-	E	-	-	-	-	-	-	-	-	-	-	-	-

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R1 6	VC	HS	GC	ORI	LI	GI
<i>Wholesaling and Processing (cont.)</i>														
Petroleum products storage****													PS	PS
Laboratory research, experimental or testing											PS	PS	PS	PS
Industrial laundry and dry cleaning****													PS	PS
Self-storage units											PS		PS	PS
Stone monument processing											PS		PS	PS
Wholesaling and/or warehouse											PS		PS	PS
Yard storage														PS
<i>Automobile and Related Services</i>														
Part sales and installation									PS		PS		PS	
Automobile filling and service station****									PS	PS	PS		PS	PS
Carwash									PS	PS	PS		PS	
Automobile repair or service shop****		E							E	PS	PS		E	PS
Sales and service center****											PS		PS	PS
Salvage yard****														PS

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R1 6	VC	HS	GC	ORI	LI	GI
<i>Automobile and Related Services (cont.)</i>														
Storage tanks, gasoline****	-	E	E	E	E	E	E	E	-	PS	PS	-	PS	PS
<b>SCHOOL BUS PARKING</b>	E	E							E	PS	PS		PS	PS
Truck stop and filling station service facility****										E				PS
Motor freight terminal****													PS	PS
<i>Animal Care and Service</i>														
Animal hospital or veterinary clinic		E							E		E			
Kennel		E							E		E			
Pet store	-	-	-	-	-	-	-	-	PS	-	PS	-	-	-
<del>Riding</del> <b>BOARDING</b> stable commercial or club	<del>E</del> <b>P</b>	<del>PS</del> <b>P</b>									PS			
<b>COMMERCIAL BOARDING STABLE</b>	E	PS									PS			
<del>School bus parking</del>	E	E	-	-	-	-	-	-	E	PS	PS	-	PS	PS
Auction sales – animals		PS									PS		PS	PS
<i>Commercial Amusements</i>														
Bowling alley									PS		PS			
Carnival, circus		X	X						X	X	X		X	X
Race tracks											PS		PS	PS
Motorcycle hill climb		T												T

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Commercial Amusements (cont.)</i>														
Golf, driving range	-	E	-	-	-	-	-	-	-	-	PS	-	PS	PS
Golf, miniature	-	-	-	-	-	-	-	-	-	-	PS	-	PS	PS
Health club, fitness center, vocational training facility									PS		PS		PS	
Tennis club				E	E	E	E	E			PS			
Golf course and country club****		PS	PS	PS	PS	PS	PS	PS						
Skating rink											PS			
Swimming pool, commercial											PS			
Theater, drive-in or outdoor stage										PS	PS		PS	PS
Theater, indoor									PS		PS		PS	
Zoological gardens <b>ZOO/BOTANICAL GARDEN/ARBORETUM</b>										PS	PS			
Museums/ <b>GALLERY</b>									PS	PS	PS			
Night club, tavern, lounge										PS	PS		PS	
Batting cage	-	-	-	-	-	-	-	-	-	-	PS	-	PS	PS
Chip and putt golf course	-	-	-	-	-	-	-	-	-	-	PS	-	SE	-
<b>OUTDOOR RECREATION CENTER</b>											PS		PS	PS

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R1 6	VC	HS	GC	ORI	LI	GI
<i>Commercial Amusements (cont.)</i>														
Rodeo		E												
<b>INDOOR</b> sports <b>RECREATION</b> training facility		<del>E</del>									PS		PS	
Video lottery facility														
<i>Industrial Uses</i>														
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
<i>Open Space and Institutional</i>														
Airports, public****		E											PS	PS
Cemetery/memorial gardens	<del>E</del>	PS	PS											
Fairground		<del>PS</del>								PS	PS		PS	PS
<del>Governmental, civic, nonprofit parks, recreation or educational areas</del>	<del>PS</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>PS</del>	<del>P</del>	<del>P</del>	<del>PS</del>	<del>P</del>	<del>P</del>

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Open Space and Institutional (cont.)</i>														
<del>Trap, skeet, rifle, archery ranges, and hunting, fishing and gun clubs</del> <b>SHOOTING RANGE/CLUB – TRAP, SKEET, RIFLE, ARCHERY</b>	E	E											PS	PS
<del>Hunting and fishing clubs without shooting ranges</del>	E	P	-	-	-	-	-	-	-	-	-	-	P	P
Aircraft landing and storage areas, private		E											E	E
<b>TENT CAMPGROUND</b>	E	E												
<b>RECREATIONAL VEHICLE CAMPGROUND</b>										E				
<b>RUSTIC RETREAT/ CAMP/OUTDOOR CLUB</b>	E	E												
<i>Institutional</i>														
<del>Child care centers/</del> <b>NURSERY SCHOOL</b>		E	E	E	E	E	PS	PS	PS		PS		E	
Civic community center		<del>PS</del> E	PS	PS	PS	PS	PS	PS	PS		PS			
Civic service clubs		<del>P</del> E	P				PS	PS	PS		PS			
Comprehensive physical rehabilitation facility								PS	PS		PS	PS		
<del>Nursery school</del>	-	E	E	E	E	E	PS	PS	PS	-	PS	-	-	-

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Institutional (cont.)</i>														
Group homes, <b>SMALL PRIVATE</b>	<b>P</b>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>	<del>PS</del> <b>P</b>					
<b>GROUP HOME, LARGE</b>		<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>					
Hospital								PS	PS		PS			
<b>ASSISTED LIVING FACILITY</b>			<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>	<b>PS</b>		<b>PS</b>			
Nursing home			PS	PS	PS	PS	PS	PS	PS					
Places of worship	E	<del>PS</del> <b>E</b>	PS	<del>E</del> <b>PS</b>	PS	PS	PS	PS	PS		PS		<b>PS</b>	
Private schools	E	<b>E</b>	E	E	E	E	E	E	E				E	
<del>Camps and retreats</del>	E	E	-	-	-	-	-	-	-	-	-	-	-	-
<b>COMMUNITY</b> Fire and rescue service	<del>PS</del>	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
<i>Governmental and Nongovernmental Utilities</i>														
Arena or stadium											PS		PS	PS
Public buildings and properties	<b>E</b> <b>PS</b>	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
College or university		<del>PS</del>	PS	PS	PS	PS	PS	PS	PS		PS			
<del>Nursery school or day care center</del>	-	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	-	-



<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Governmental and Nongovernmental Utilities (cont.)</i>														
Elementary or secondary <b>SCHOOL</b>		<del>PS</del>	PS	PS	PS	PS	PS	PS	PS		T		T	T
Nongovernmental utility	E	E	E	E	E	E	E	E	E	PS	PS		PS	PS
<i>Solid Waste Operations</i>														
Borrow pit operations		PS											PS	PS
Industrial waste landfill****		E												E
Rubble landfill		SW												SW
Recycling pickup and distribution centers													PS	PS
RRF (Resource Recovery Facility - Separated Recyclables)		SW											SW	SW
RRF (Resource Recovery Facility - Nonseparated Materials)														SW
Composting (commercial and governmental):														
<del>Yard waste</del>	-	E	-	-	-	-	-	-	-	-	-	-	-	E
<b>LIMITED WOOD WASTE RECYCLING FACILITY</b>		E												E
<b>UNLIMITED WOOD WASTE RECYCLING FACILITY</b>		SW												SW

<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
<i>Solid Waste Operations (cont.)</i>														
Sludge amended yard waste		SW											SW	SW
Solid waste composting		SW											SW	SW
Sludge pit		E												

\* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.

\*\* Communication towers not permitted in residential, PUD and residential MXD Districts

\*\*\* A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery or farm winery tasting room.

\*\*\*\* These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.

## **(B) PERMITTED USES AND REQUIRED DEVELOPMENT REVIEW FOR LIMITED ZONING DISTRICTS**

### **(1) EUCLIDEAN INSTITUTIONAL ZONING DISTRICT (Ie).**

THE EUCLIDEAN INSTITUTIONAL ZONING DISTRICT IS ESTABLISHED TO PROVIDE FOR COLLEGE OR UNIVERSITY, **PRIVATE SCHOOL, ELEMENTARY OR SECONDARY SCHOOL**, CIVIC COMMUNITY CENTER, CIVIC SERVICE CLUB, AND PLACE OF WORSHIP LAND USES NOT MEETING THE INSTITUTIONAL FLOATING ZONING DISTRICT REQUIREMENTS, AS PERMITTED AND FORMALLY RECOGNIZED AS EXISTING **OR WITH SITE DEVELOPMENT PLAN APPROVAL**, WITHIN THE AGRICULTURAL ZONING DISTRICT PRIOR TO THE CREATION OF THE INSTITUTIONAL FLOATING ZONING DISTRICT (I) ON XXX. THE CONTINUED OR FURTHER APPLICATION OF THIS ZONING DISTRICT TO LAND USES NOT MEETING THESE STANDARDS IS NOT PERMITTED.

### **(2) EUCLIDEAN OPEN SPACE/RECREATION ZONING DISTRICT(OSRe).**

THE EUCLIDEAN OPEN SPACE RECREATION ZONING DISTRICT IS ESTABLISHED TO PROVIDE FOR RECREATIONAL VEHICLE CAMPGROUND, GOLF COURSE, GOLF DRIVING RANGE, AND MINIATURE GOLF LAND USES NOT MEETING THE OPEN SPACE RECREATION FLOATING ZONING DISTRICT REQUIREMENTS, AS PERMITTED AND FORMALLY RECOGNIZED AS EXISTING **OR WITH SITE DEVELOPMENT PLAN APPROVAL**, WITHIN THE AGRICULTURAL ZONING DISTRICT PRIOR TO THE CREATION OF THE OPEN SPACE/RECREATION FLOATING ZONING DISTRICT (OSR) ON XXX. THE CONTINUED OR FURTHER APPLICATION OF THIS ZONING DISTRICT TO LAND USES NOT MEETING THESE STANDARDS IS NOT PERMITTED.

## ARTICLE VI: DISTRICT REGULATIONS

### DIVISION 1. DESIGN REQUIREMENTS AND MODIFICATIONS

#### §1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

Note 1. Minimum lot areas measured in acres and square feet; minimum lot width, yard areas and height measured in feet.

Note 2. The minimum lot area and yard requirements do not apply to agricultural activity involving no structures.

Note 3. Design requirements for uses permitted by special exception are established in §§ 1-19-8.320 *et seq.*

Note 4. Lot area, width and yard measurements may be modified in accordance with §1-19-8.620 through §1-19-8.620.6 (to residential zones - R3, R5, R8, R12, R16, VC).

<i>Use Classification</i>	<i>Minimum Lot Area*</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width*</i>	<i>Front Yard*</i>	<i>Side Yard*</i>	<i>Rear Yard*</i>	<i>Height</i>
<i>Agricultural District A</i>							
<del>Transient</del> <b>TEMPORARY</b> house <b>ING</b>							
<del>Boarding house/tourist home</del>	1 acre	—	100	40	40	30	30'
<del>Tent campground</del>	10 acres	—	300	40	50	50	30'
Animal care and services	5 acres	—	300	40	50	50	30'
Open space uses	5 acres	—	300	40	50	50	30'
<b>TENT CAMPGROUND</b>	<b>10 acres</b>	—	<b>300</b>	<b>40</b>	<b>50</b>	<b>50</b>	<b>30'</b>
<i>Residential One District R1</i>							
Natural resources	5 acres	—	300	40	50	50	30'
<i>Residential Eight District R8</i>							
<del>Transient</del> <b>TEMPORARY</b> housing	12,000	—	80	30	10	25	30'

<i>Village Center District VC</i>							
<del>Transient</del> <b>TEMPORARY</b> housing							
<del>Boarding house/tourist home</del>	<b>12,000</b>	<b>—</b>	<b>65</b>	<b>25</b>	<b>15****</b>	<b>50</b>	<b>30'***</b>
<i>General Commercial District GC</i>							
<del>Transient</del> <b>TEMPORARY</b> housing	<b>20,000</b>	<b>500</b>	<b>100</b>	<b>25</b>	<b>15</b>	<b>40</b>	<b>60'</b>
Hotel or motel							
<i>Highway Service District HS</i>							
<del>Transient</del> <b>TEMPORARY</b> housing	<b>20,000</b>	<b>500</b>	<b>100</b>	<b>25</b>	<b>15</b>	<b>35</b>	<b>60'</b>
Hotel or motel							
<i>Limited Industrial District LI</i>							
<b>Natural resources</b>	<b>5 acres</b>	<b>—</b>	<b>300</b>	<b>40</b>	<b>50</b>	<b>50</b>	<b>30'</b>
<i>Office/Research Industrial District ORI</i>							
<del>Transient</del> <b>TEMPORARY</b> housing	<b>40,000</b>	<b>500</b>	<b>100</b>	<b>50<sup>2</sup></b>	<b>25<sup>2</sup></b>	<b>40<sup>2</sup></b>	<b>60'</b>
Hotel or motel							

\* Equal to the height of structure.

\*\* Minimum 10 green area no parking within area

\*\*\* For development within the Village Center Zoning District see also §§ 1-19-7.500(B)(2) and (3)

\*\*\*\* Or as determined under §§ 1-19-7.500(B)(3), whichever is greater

\*\*\*\*\* Except as provided in § 1-19-8.450(B)(2) and § 1-19-8.450(D)(1).

1 Any proposed addition would have to meet setbacks required for new structures. Parking requirements of §§ 1-19-6.200 through 1-19-6.240.

2 As shown or equal to height of structure, whichever is greater.

3 Development within the VC zoning district may not exceed the density as specified within §§ 1-19-7.500(B)(1).

## DIVISION 2. PARKING AND LOADING

### §1-19-6.220. PARKING SPACE REQUIREMENTS.

#### (A) GENERALLY

For the purpose of this chapter, the following parking space requirements will apply. **FOR USES NOT LISTED IN THE FOLLOWING TABLE, PARKING REQUIREMENTS SHALL BE DETERMINED BY THE PLANNING COMMISSION OR THEIR AUTHORIZED REPRESENTATIVES. THE REQUIREMENTS SHALL BE BASED UPON SIMILARITY TO AN EXISTING USE LISTED WITHIN THE TABLE BELOW, CHARACTERISTICS OF THE PROPOSED USE, OR HOURLY PARKING DEMAND STUDIES PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERING.**

<i>Type of Use</i>	<i>Parking Spaces Required</i>
<i>Residential</i>	
<del>Boardinghouses, rooming houses</del> <b>BED AND BREAKFAST</b>	<del>1.5 for each sleeping room</del> <b>TWO SPACES PER THE PRIMARY DWELLING, PLUS ONE SPACE FOR EACH GUESTROOM (SEE §1-19-8.410)</b>
<i>Commercial</i>	
Automobile sales and service garages; <b>FARM EQUIPMENT SALES AND SERVICE</b>	1 space per each 300 square feet of floor area
<b>FEED AND GRAIN MILL</b>	<b>1 SPACE PER EACH 300 SQUARE FEET OF SALES FLOOR AREA, PLUS 1 SPACE PER EMPLOYEE</b>
<b>COUNTRY INN</b>	<b>1 SPACE PER EACH GUEST ROOM, PLUS 1 SPACE PER EMPLOYEE AND 1 SPACE PER 50 SQUARE FEET OF DINING ROOM</b>

<i>Type of Use</i>	<i>Parking Spaces Required</i>
<i>Recreational or Entertainment</i>	
Outdoor swimming pools, public, community, or club, health club, fitness center, vocational/ sports training facility, <b>RUSTIC RETREAT, CAMP, OUTDOOR CLUB, COMMUNITY CENTER, CIVIC SERVICE CLUB</b>	1 for each 5 persons capacity, plus 1 for each 4 seats or 1 for each 30 square feet floor area used for seating purposes, whichever is greater
<b>OUTDOOR RECREATION CENTER</b>	<b>1 SPACE PER DRIVING RANGE TEE, PLUS 1 SPACE PER HOLE OF MINIATURE GOLF; PLUS 2 SPACES PER HOLE OF CHIP AND PUTT; PLUS ONE SPACE PER EMPLOYEE</b>
<b>GOLF COURSE</b>	<b>4 SPACES PER EACH HOLE, PLUS 1 SPACE PER EACH 50 SQUARE FEET OF FLOOR AREA DEVOTED TO CUSTOMER SERVICE, PLUS ONE SPACE PER 2 EMPLOYEES</b>
<b>RECREATIONAL VEHICLE CAMPGROUND</b>	<b>1 SPACE PER CAMPSITE</b>
<b>SHOOTING RANGE</b>	<b>1 SPACE PER FIRING POSITION, PLUS 1 SPACE PER 2 EMPLOYEES</b>

<i>Type of Use</i>	<i>Parking Spaces Required</i>
<i>Animal Care and Service</i>	
<b>ANIMAL HOSPITAL, VETERINARY CLINIC, KENNEL</b>	<b>1 SPACE PER 400 SQUARE FEET OF FLOOR AREA EXCLUDING KENNELS, PLUS ONE SPACE PER EXAMINATION ROOM, PLUS 1 SPACE PER EMPLOYEE</b>
<i>Industrial</i>	
All industrial uses <b>AND SOLID WASTE OPERATIONS</b>	1 for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business

### DIVISION 3. SIGNS

#### § 1-19-6.320. SIGNS PERMITTED AND REGULATED IN THE ZONING DISTRICT.

##### (A) GENERALLY

FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING SIGN REQUIREMENTS WILL APPLY. FOR USES NOT LISTED IN THE FOLLOWING TABLE OR OTHERWISE PROVIDED IN THIS CHAPTER, THE ZONING ADMINISTRATOR SHALL DETERMINE THE PERMITTED SIGNAGE. THE DETERMINATION SHALL BE BASED UPON SIMILARITY TO AN EXISTING SIGN TYPE WITHIN THE TABLE BELOW OR USE WITHIN THIS CHAPTER.

<i>Sign Type</i>		<i>Maximum Size Permitted<sup>1</sup></i>		<i>Zoning District Permitted<sup>2</sup></i>	<i>Setback From Property Line<sup>3</sup></i>			<i>Conditions Required to be Met</i>
		<i>Area sf = sq. feet</i>	<i>Height<sup>2f</sup> (feet)</i>		<i>Front</i>	<i>Side</i>	<i>Rear</i>	
(4)	Schools, <del>churches</del> <b>PLACE OF WORSHIP</b> , civic organizations	(32 sf)	(12 f)	Where use is permitted by this chapter	½	½	½	One sign per street frontage

Sign Type		Maximum Size Permitted <sup>1</sup>		Zoning District Permitted <sup>2</sup>	Setback From Property Line <sup>3</sup>			Conditions Required to be Met
		Area sf = sq. feet	Height <sup>2f</sup> (feet)					
(4)(a)	Institutional, governmental, <del>service park</del> , college, university campus	10F	(12 f)	Where use is permitted by this chapter	½	½	½	One sign per street frontage
(6)	<del>Farm product sales;</del> <b>LIMITED ROADSIDE STAND; BOARDING STABLE</b>	(16 sf)	(12 f)	<b>RC</b> and A districts	N.A.			One sign per street frontage
(12)	<b>BUSINESS IDENTIFICATON WITHIN THE RC OR A DISTRICTS<sup>5</sup></b>	<b>(25 SF)</b>	<b>(15 F)</b>	<b>RC AND/OR A DISTRICTS</b>	½	½	½	<b>ONE FREESTANDING SIGN</b>
(13)	<b>GOLF COURSE; CEMETERY/MEMORIAL GARDENS;</b>	<b>(25 SF)</b>	<b>(15 F)</b>	<b>WHERE USE IS PERMITTED BY THIS CHAPTER</b>	½	½	½	<b>ONE SIGN PER STREET FRONTAGE</b>

1 Combined total of all signs on a single property shall not exceed maximum size permitted.

2 If not attached to building.

3 ½ means one-half the yard requirements for the district.

4 For panhandle lots the side setback shall be at least 25% of the panhandle width.

**5 UNLESS OTHERWISE PROVIDED IN THIS CHAPTER.**

**\* SQUARE FOOTAGE OF SIGNS WITHIN THE GC, HS, AND INDUSTRIAL DISTRICTS MAY BE INCREASED BY 25% IF NO FREE-STANDING OR PYLON-TYPE SIGNS ARE USED (§1-19-7.510, AND §1-19-7.600).**



S means equal to the yard setback requirements for the district.

F measured in linear feet and is the larger of the measurement of (1) the side of the building facing a public street (measurement S) or (2) the side of the building on which is located the primary public access to the building (measurement A). When measurement A is used to calculate sign size, the maximum size of any sign located on a side of the building facing a public street cannot be greater than the maximum sign size that would be permitted if measurement S was used.

## ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS

### DIVISION 5. COMMERCIAL DISTRICTS

#### § 1-19-7.510. GENERAL COMMERCIAL, HIGHWAY SERVICE.

The following provisions shall be applicable in the General Commercial, Highway Service.

[(A) through (D) remain unchanged]

(E) **STORAGE AND OPERATIONS. NOTWITHSTANDING OTHER PROVISIONS OF THIS CODE, ALL OPERATIONS AND THE STORAGE OF EQUIPMENT, MATERIALS OR PRODUCTS IN THE GC OR HS DISTRICTS SHALL BE CONDUCTED WITHIN COMPLETELY ENCLOSED BUILDINGS OR STORAGE MAY BE PERMITTED OUTDOORS ONLY WHEN COMPLETELY SCREENED BY A WALL, OPAQUE FENCE, OR PLANTING SO THAT SUCH MATERIALS WILL NOT BE VISIBLE FROM A PUBLIC WAY OR ADJOINING PROPERTY. THE PLANNING COMMISSION SHALL DETERMINE THE MOST APPROPRIATE SCREENING FOR THE USE.**

### DIVISION 6. INDUSTRIAL DISTRICTS

#### § 1-19-7.600. INDUSTRIAL DISTRICTS.

[(A) through (C) remain unchanged]

(D) **STORAGE AND OPERATIONS. NOTWITHSTANDING OTHER PROVISIONS OF THIS CODE, ALL OPERATIONS AND THE STORAGE OF EQUIPMENT, MATERIALS OR PRODUCTS IN THE GC OR HS DISTRICTS SHALL BE CONDUCTED WITHIN COMPLETELY ENCLOSED BUILDINGS OR STORAGE MAY BE PERMITTED OUTDOORS ONLY WHEN COMPLETELY SCREENED BY A WALL, OPAQUE FENCE, OR PLANTING SO THAT SUCH MATERIALS WILL NOT BE VISIBLE FROM A PUBLIC WAY OR ADJOINING PROPERTY. THE PLANNING COMMISSION SHALL DETERMINE THE MOST APPROPRIATE SCREENING FOR THE USE.**

## ARTICLE VIII: SPECIFIC USE REGULATIONS

### DIVISION 2. ACCESSORY USES

#### § 1-19-8.200. **PURPOSE AND INTENT.**

**ALTHOUGH CUSTOMARY ACCESSORY USES ARE EXPECTED TO DEVELOP IN CONJUNCTION WITH A PRINCIPAL PERMITTED USE, THE ACCESSORY USES LISTED IN DIVISION 2 ACCESSORY USES WILL RECEIVE APPROVAL ONLY WHEN SPECIFIC CRITERIA HAVE BEEN MET.**

#### **§ 1-19-8.205. ACCESSORY USES IN ALL ZONING DISTRICTS.**

##### **§ 1-19-8.205.1. CUSTOMARY ACCESSORY USES**

The following customary accessory uses are permitted in all zoning districts: auction sales, yard sales and “kids fairs;” however, not more than 1 such event shall be held per lot per year. (Ord. 81-23-213, 8-4-1981)

##### ~~§1-19-8.200.1.~~ **§ 1-19-8.205.2. COMMUNICATION ANTENNA.**

A communications antenna is permitted in any zoning district, provided the antenna is no greater than 10 feet in height. (Ord. 99-14-241, 11-23-1999)

##### ~~§1-19-8.200.2~~ **§ 1-19-8.205.3. FARM TENANT HOUSES.**

Farm tenant houses are permitted as accessory structures on a farm as follows: 25 acres to 50 acres, 1 tenant house, thereafter 1 tenant house per 50 acres.

##### ~~§1-19-8.200.3 RESERVED~~ **§ 1-19-8.205.4. SOLAR COLLECTION SYSTEM.**

**A SOLAR COLLECTION SYSTEM IS PERMITTED IN ANY ZONING DISTRICT ON THE ROOF OR EXTERIOR WALLS OF STRUCTURES.**

~~§1-19-8.200.4 RESERVED~~ **§ 1-19-8.205.5. SOLAR ARRAY.**

(A) THE FOOTPRINT OF THE SOLAR ARRAY OR ANY INDIVIDUAL COMPONENT SHALL BE USED IN CALCULATING THE SQUARE FOOTAGE BY DRAWING A LINE AROUND THE EXTERIOR LIMITS OF AN INDIVIDUAL SOLAR ARRAY. SOLAR ARRAYS ARE PERMITTED IN ANY ZONING DISTRICT SUBJECT TO THE FOLLOWING SETBACK AND SIZE RESTRICTIONS:

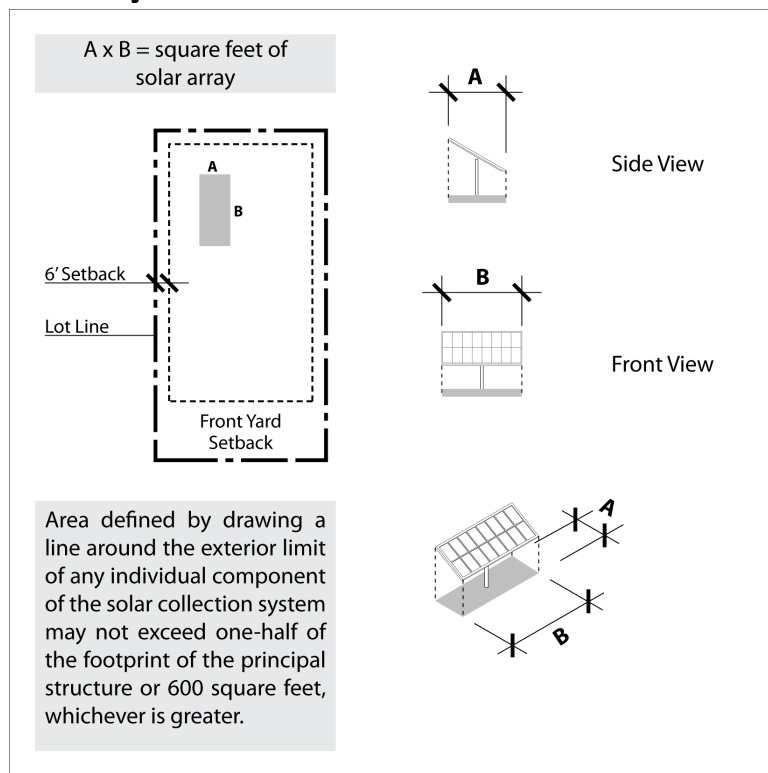
(1) THE TOTAL SQUARE FOOTAGE OF ~~ALL FLOORS OF THE ACCESSORY STRUCTURE~~ THE SOLAR ARRAY(S) SHALL NOT EXCEED THAT OF THE PRINCIPAL STRUCTURE;

(2) THE FOOTPRINT OF ~~THE ACCESSORY STRUCTURE MAY~~ AN INDIVIDUAL SOLAR ARRAY SHALL NOT EXCEED THE GREATER OF:

(A) ONE-HALF OF THE FOOTPRINT OF THE PRINCIPAL STRUCTURE OR

(B) SIX HUNDRED SQUARE FEET

**Solar Array**



**§ 1-19-8.205.6. LIMITED WIND ENERGY SYSTEMS.**

**(A) LIMITED WIND ENERGY SYSTEMS ARE PERMITTED IN ANY ZONING DISTRICT SUBJECT TO THE FOLLOWING STANDARDS EXCEPT THAT LIMITED WIND ENERGY SYSTEMS UNDER 10 FEET IN HEIGHT AND LOCATED ON A PRINCIPAL OR ACCESSORY STRUCTURE ARE NOT SUBJECT TO THESE PROVISIONS:**

**(1) THE LIMITED WIND ENERGY SYSTEM SHALL BE USED FOR THE PURPOSE OF GENERATING POWER FOR THE PROPERTY ON WHICH THE LIMITED WIND ENERGY SYSTEM IS LOCATED. COMMERCIAL SALE OF POWER IS PROHIBITED.**

**(2) THE LIMITED WIND ENERGY SYSTEM SHALL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL HEIGHT PLUS AN ADDITIONAL 20 FEET FROM:**

**(A) ANY RIGHT-OF-WAY AS DESIGNATED BY THE COUNTY COMPREHENSIVE PLAN;**

**(B) ANY RIGHT OF INGRESS OR EGRESS ON THE OWNER'S PROPERTY;**

**(C) ANY OVERHEAD UTILITY LINES;**

**(D) ALL PROPERTY LINES.**

**(3) THE LIMITED WIND ENERGY SYSTEM SHALL NOT BE LOCATED WITHIN THE REQUIRED FRONT YARD SETBACK.**

**(4) ALL GROUND MOUNTED ELECTRICAL AND CONTROL EQUIPMENT SHALL BE LABELED AND SECURED TO PREVENT UNAUTHORIZED ACCESS.**

**(5) ALL ELECTRICAL WIRES ASSOCIATED WITH A GROUND MOUNTED WIND ENERGY SYSTEM SHALL BE LOCATED UNDERGROUND, EXCEPT THOSE WIRES NECESSARY TO CONNECT THE WIND GENERATOR TO THE WIND TOWER WIRING, THE WIND TOWER WIRING TO THE DISCONNECT JUNCTION BOX, AND THE GROUNDING WIRES.**

**(6) A WIND TOWER AND GENERATOR SHALL NOT BE ARTIFICIALLY LIGHTED UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA).**

**(7) WIND ENERGY SYSTEMS SHALL BE PAINTED A NON-REFLECTIVE, NON-OBTRUSIVE COLOR SUCH AS THE MANUFACTURER'S DEFAULT COLOR OPTION OR A COLOR THAT CONFORMS TO THE ENVIRONMENT AND ARCHITECTURE OF THE COMMUNITY IN WHICH IT WILL BE LOCATED. WIND ENERGY TOWERS SHALL MAINTAIN GALVANIZED STEEL, BRUSHED ALUMINUM OR WHITE FINISH, UNLESS FAA STANDARDS REQUIRE OTHERWISE. THE ZONING ADMINISTRATOR MAY REQUIRE A PHOTO OF A WIND ENERGY SYSTEM OF THE SAME MODEL THAT IS THE SUBJECT OF THE APPLICATION, ADJACENT TO A BUILDING OR SOME OTHER OBJECT ILLUSTRATING SCALE.**

(8) THE BLADE TIP OR VANE OF ANY WIND ENERGY SYSTEM SHALL, AT ITS LOWEST POINT, HAVE GROUND CLEARANCE OF NO LESS THAN FIFTEEN (15) FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES.

(9) WIND ENERGY SYSTEMS SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.

(10) WIND ENERGY SYSTEMS THAT CONNECT TO AN ELECTRIC UTILITY COMPANY SHALL COMPLY WITH THE PUBLIC SERVICE COMMISSION REGULATIONS.

(11) EACH PROPERTY IS ELIGIBLE FOR TWO (2) WIND ENERGY SYSTEMS. ADDITIONAL WIND ENERGY SYSTEMS SHALL NOT EXCEED THE TOTAL NUMBER NEEDED TO GENERATE THE AMOUNT OF ELECTRICITY FOR THE ESTABLISHED USES ON THE PROPERTY UNLESS THE APPLICANT CAN DEMONSTRATE THE ON-SITE NEED FOR ADDITIONAL POWER.

(12) ABANDONMENT

(A) THE ZONING ADMINISTRATOR MAY ISSUE A NOTICE OF ABANDONMENT TO THE OWNER OF A WIND ENERGY SYSTEM THAT IS OUT OF SERVICE FOR A CONTINUOUS 6-MONTH PERIOD. THE OWNER SHALL HAVE THE RIGHT TO RESPOND IN WRITING, WITHIN 30-DAYS, TO THE NOTICE OF ABANDONMENT SETTING FORTH THE REASONS FOR OPERATIONAL DIFFICULTY AND PROVIDING A REASONABLE TIMETABLE FOR CORRECTIVE ACTION. IF SUFFICIENT REASON IS PROVIDED, THE ZONING ADMINISTRATOR SHALL WITHDRAW THE NOTICE OF ABANDONMENT AND THE OWNER OF THE WIND ENERGY SYSTEM WILL BE NOTIFIED.

(B) IF THE WIND ENERGY SYSTEM IS DETERMINED TO BE ABANDONED, THE OWNER SHALL REMOVE THE WIND ENERGY SYSTEM WITHIN 3-MONTHS OF THE NOTICE OF ABANDONMENT, AT THE OWNER'S EXPENSE. IF THE OWNER FAILS TO REMOVE THE WIND ENERGY SYSTEM, THE ZONING ADMINISTRATOR MAY PURSUE LEGAL ACTION TO HAVE THE WIND ENERGY SYSTEM REMOVED AT THE OWNER'S EXPENSE.

~~(13) VARIANCES TO THE DISTANCES, RESTRICTIONS, AND STANDARDS CONTAINED IN THIS SECTION ARE NOT PERMITTED.~~

(13) ALL WIND ENERGY SYSTEMS SHALL COMPLY WITH THE LIMITATIONS CONTAINED IN THE NOISE ORDINANCE OF FREDERICK COUNTY (FREDERICK COUNTY CODE SECTION §1-11-6).

(14) IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, OR OPERATE A WIND ENERGY SYSTEM THAT IS NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT TO THIS CHAPTER, OR THAT IS IN VIOLATION OF ANY STATE OR FEDERAL REGULATION.

**§1-19-8.211. GASOLINE STORAGE TANKS WITH A CAPACITY BETWEEN 270 GALLONS AND 1,100 GALLONS AS AN ACCESSORY USE ON FARM LOTS AND IN THE HS, GC, LI AND GI DISTRICTS.**

- (A) THE MINIMUM LOT SIZE SHALL BE 40,000 SQUARE FEET.**
- (B) THE STORAGE TANK SHALL BE PLACED ABOVEGROUND WITH A CAPACITY NOT TO EXCEED 1,100 GALLONS.**
- (C) THE STORAGE TANK SHALL BE LOCATED A MINIMUM OF 100 FEET FROM A WELL OR AS PROVIDED IN § 1-6-50 (WELLHEAD PROTECTION ORDINANCE), WHICHEVER IS GREATER.**
- (D) THE STORAGE TANK MUST HAVE A MINIMUM SETBACK OF 25 FEET FROM ALL PROPERTY LINES.**
- (E) THE STORAGE TANK SHALL BE GOVERNED BY THE INTERNATIONAL BUILDING CODE 2006 AS AMENDED CONCERNING STORAGE TANKS, AND THE NATIONAL FIRE PROTECTION ASSOCIATION 30, AS AMENDED.**
- (F) STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM.**
- (G) SHALL COMPLY WITH § 1-6-50 WELLHEAD PROTECTION ORDINANCE.**  
**(Ord. 79-19-145, 8-7-1979; Ord. 95-02-126, 3-2-1995; Ord. 07-16-456, 5-15-2007)**

**§1-19-8.220. CREMATORY ACCESSORY TO A CEMETERY/MEMORIAL GARDEN IN THE A AND R1 DISTRICTS.**

[(A) – (D) remain unchanged]

**§1-19-8.230. ACCESSORY USES IN THE AGRICULTURAL OR RESOURCE CONSERVATION DISTRICTS. (RESERVED)**

**§1-19-8.230.1. HORSE TACK AND SADDLERY SHOP ACCESSORY TO A COMMERCIAL BOARDING STABLE IN THE AGRICULTURAL DISTRICT.**

- (A) THE HORSE TACK AND SADDLERY SHOP SHALL NOT UTILIZE MORE THAN 25% OF THE BOARDING STABLE OR COMMERCIAL BOARDING STABLE MAIN BUILDING FLOOR AREA.**
- (B) THE MINIMUM LOT AREA, LOT WIDTH, YARD SETBACKS, AND HEIGHT REQUIREMENTS ARE THE SAME AS REQUIRED FOR ANIMAL CARE AND SERVICES USES IN SECTION §1-19-6.100.**

(C) **NO PARKING, STORAGE, OR DISPLAY IS PERMITTED WITHIN THE REQUIRED SETBACKS.**

**§1-19-8.230.2. CEMETERY/MEMORIAL GARDENS ACCESSORY TO PLACE OF WORSHIP IN THE RC DISTRICT.**

(A) **CEMETERY/MEMORIAL GARDEN SHALL NOT BE LOCATED WITHIN THE FEMA FLOODPLAIN, FLOODING SOILS, OR WET SOILS.**

(B) **MINIMUM LOT AREA, LOT WIDTH, YARD SETBACKS, AND HEIGHT REQUIREMENTS ARE THE SAME AS REQUIRED FOR OPEN SPACE USES IN SECTION §1-19-6.100.**

(C) **THE SUBJECT PROPERTY SHALL HAVE FRONTAGE AND ACCESS ON A PAVED PUBLIC ROAD.**

(D) **THE REQUIREMENTS OF SECTION §1-19-7.200 OF THIS CODE SHALL BE MET.**

**§1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.**

(A) Customary accessory uses permitted on residential properties include the following.

[(1-4) remain unchanged]

(5) Home occupations.

*(a) General home occupation standards.* All home occupations shall comply with the following conditions.

1. There will be no exterior evidence, other than a permitted sign, to indicate that the building is being used for any purpose other than that of a dwelling or an accessory structure.

2. No retail sales or services, other than goods grown, produced or assembled on the premises, shall be conducted on the premises; however, retail sales of products not produced on the premises are permitted when these sales are only incidental to and part of the primary function of the business. **ANTIQUE SHOPS IN THE A AND RC ZONING DISTRICTS SHALL BE PERMITTED TO CONDUCT RETAIL SALES IN ACCORDANCE WITH THE REMAINING REQUIREMENTS SET FORTH IN THIS CHAPTER.**

[3-9 remain unchanged]

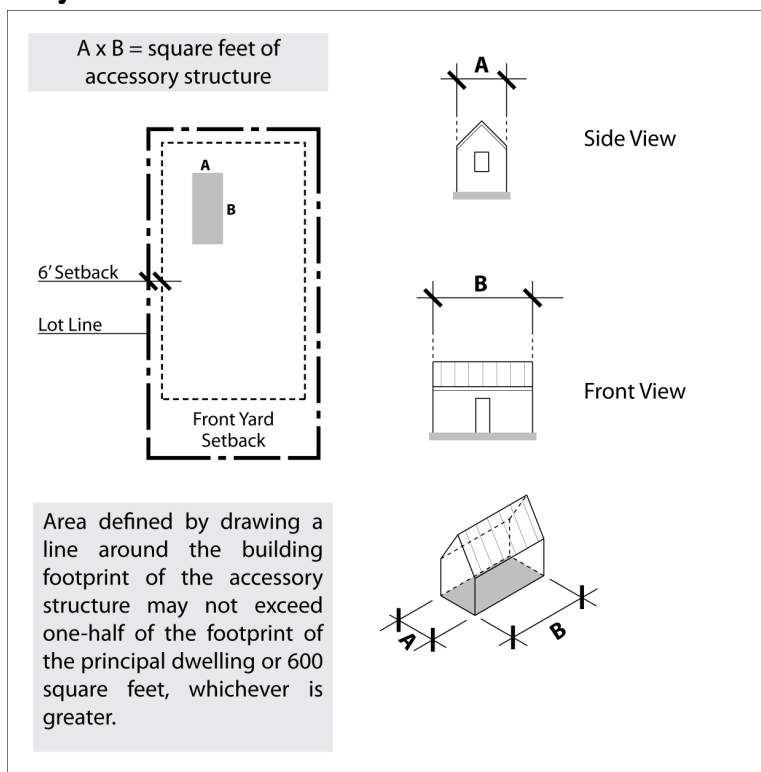
[(b-c) remain unchanged]

[(6-9) remain unchanged]

(B) An accessory structure shall be limited in size when located on a residentially zoned property to the following:

- (1) The total square footage of all floors of the accessory structure shall not exceed that of the dwelling;
- (2) The footprint of the accessory structure may not exceed the greater of:
  - (a) One-half of the footprint of the principal dwelling; or
  - (b) Six hundred square feet; and
- (3) The square footage allowed for business purposes in an accessory structure shall be 600 square feet.

### Accessory Structures



### §1-19-8.250.2. ~~RESERVED~~ VOCATIONAL/SPORTS TRAINING FACILITIES IN THE LIMITED INDUSTRIAL (LI) DISTRICT.

~~—In the LI zoning district, a vocational/sports training facility, health club or fitness center shall be a permitted use upon obtaining site plan approval from the Planning Commission. A facility of this type may not be the sole use of a structure, but must be in a structure also utilized for other uses permitted within the district.~~

~~(Ord. 92-23-058, 10-6-1992)~~



### DIVISION 3. SPECIAL EXCEPTION USES

#### ~~§ 1-19-8.323. **RESERVED ANTIQUE, ARTISAN AND CRAFT SHOPS IN A AND RC DISTRICTS.**~~

~~—The following provisions shall apply to antique, artisan and craft shops in A and RC Districts:~~

~~(A) — The subject property must have frontage and access on a paved public road.~~

~~(B) — The minimum lot size, setbacks, and height requirements for antique, artisan and craft shops in the Agricultural District are the same as required for a single-family dwelling. There are no specific requirements for the RC District.~~

~~(C) — No parking, storage, or display is permitted within the required setbacks.~~

~~(D) — No freestanding signs are permitted. Only 1 sign is permitted if attached to the structure and no more than 8 square feet in area.~~

~~(E) — Antique, artisan and craft shops in the RC District shall be located only within a structure that exists on January 24, 1977. Conversion of existing structures may include the expansion of such structures. However, the existing external appearance of the structure must be maintained although it may be upgraded, repaired or expanded.~~

~~(F) — Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.~~

~~(Ord. 77-1-78, § 40-72(A-4), 1-24-1977; Ord. 82-19-263, 9-7-1982; Ord. 84-34-331, 12-24-1984; Ord. 95-02-126, 3-2-1995)~~

#### ~~§1-19-8.325. **AUTOMOBILE REPAIR SHOP IN AGRICULTURAL AND THE LIMITED INDUSTRIAL DISTRICTS.**~~

~~The following provisions shall apply to an automobile repair shop in the Agricultural and Limited Industrial Districts.~~

~~[(A) through (H) remain unchanged.]~~

#### ~~§ 1-19-8.326. **BOARDING HOUSE AND TOURIST HOMES IN RC DISTRICT.**~~

~~—The following provisions shall apply to boarding house and tourist homes in the RC District.~~

~~—(A) — The minimum lot area, lot width, yard setbacks and height shall be as provided for residential uses in the table in § 1-19-6.100.~~

~~—(B) — The subject property must have frontage and access on a public road with a minimum pavement width of 20 feet.~~

~~—(C) — The parking requirements of §§ 1-19-6.200 through 1-19-6.230 of this Code shall be met except, that parking areas will not be permitted within the setback areas.~~

~~—(D) — Within the RC District, the requirements of § 1-19-7.200 of this Code will be met. (Ord. 95-02-126, 3-2-1995)~~

§1-19-8.327. ~~CAMPS OR RETREATS~~ **RUSTIC RETREAT/CAMP/OUTDOOR CLUB** IN RC AND A DISTRICTS.

The following provisions shall apply to **RUSTIC RETREAT/CAMP/OUTDOOR CLUB** in RC and A Districts.

- (A) A minimum 10 acre lot size is required.
- (B) Camps and retreats with a planned capacity of 100 persons or more must have a minimum of 50 feet of frontage with access on a public road having a minimum pavement width of 20 feet to the nearest paved road. If the planned capacity is under 100 persons, there will be no specific road requirements other than the provisions contained in § 1-19-3.210(B)(5).
- (C) The project will be designed so that an overall density of 3 persons per acre is not exceeded.
- (D) **INDIVIDUAL BUILDINGS SHALL BE LIMITED TO ONE STRUCTURE NOT TO EXCEED 25,000 SQUARE FEET OF TOTAL FLOOR AREA, WITH EACH ADDITIONAL STRUCTURE NOT TO EXCEED 5,000 SQUARE FEET OF TOTAL FLOOR AREA.**
- (E) The requirements for all yards is 50 feet.
- (F) One freestanding on-premises identification sign no more than 25 square feet in area and subject to a minimum setback of 15 feet is permitted.
- (G) **PARKING SHALL BE LIMITED TO THAT NUMBER REQUIRED BY ZONING ORDINANCE AND CO-LOCATED ADJACENT TO THE ACCESS AS REQUIRED IN (B) ABOVE. AN INCREASE IN THE NUMBER OF PARKING SPACES MAY BE GRANTED BY THE PLANNING COMMISSION WHERE THE APPLICANT CAN DEMONSTRATE NEED BASED ON CHARACTERISTICS OF THE PROPOSED USE, HOURLY PARKING DEMAND STUDIES PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERING, OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION. PARKING APPROVED BEYOND THAT NUMBER REQUIRED BY ZONING ORDINANCE SHALL BE CONSTRUCTED OF PERVIOUS MATERIALS.**
- (H) **PERMANENT RESIDENTIAL OCCUPANCY SHALL BE LIMITED TO THE RESIDENT OWNER, MANAGER, OR CARETAKER.**
- (I) **A CARETAKER ~~APARTMENT OR DWELLING RESIDENCE~~ IS PERMITTED AS AN ACCESSORY USE TO A RUSTIC RETREAT/CAMP/OUTDOOR CLUB WHERE A SPECIFIC PLAN IS PRESENTED AND APPROVED BY THE BOARD OF APPEALS.**

(FJ) Within the RC District:-

1. ~~1.~~ The requirements of § 1-19-7.200 of this Code will be met.

2. **INSOFAR AS PRACTICAL, THE LANDSCAPE SHALL BE PRESERVED IN ITS NATURAL STATE BY:**

- (A) **MINIMIZING TREE AND SOIL REMOVAL OR DISTURBANCE;**
- (B) **RETAINING EXISTING TREE LINES, FOREST BUFFERS, AND ROCK FORMATIONS REDUCING VISUAL IMPACTS OF DEVELOPMENT ON SURROUNDING PROPERTIES AND RIGHTS-OF-WAY;**
- (C) **SITING BUILDINGS TO PROTECT AND ENHANCE THE VISUAL RELATIONSHIP BETWEEN BUILDINGS AND THE NATURAL TERRAIN;**
- (D) **REDUCING VISUAL PROMINENCE OF PROPOSED STRUCTURES BY BUILDING ADJACENT TO WOODLAND EDGES AND NOT IN THE CENTER OF OPEN SPACE AREAS ON A PROPOSED SITE;**
- (E) **AVOIDING BUILDING ON RIDGE LINES, UNLESS ALTERNATIVE SITE LOCATIONS ARE UNAVAILABLE AND EXISTING FOREST BUFFERS CAN BE RETAINED TO REDUCE VISUAL IMPACTS;**
- (F) **OPENING UP VIEWS ONLY THROUGH SELECTIVE TREE AND LIMB REMOVAL RATHER THAN CLEAR CUTTING.**

~~§1-19-8.328. CEMETERY/MEMORIAL GARDENS IN THE RC DISTRICT.~~

~~—The following provisions shall apply to cemetery/memorial gardens in the RC District.~~

~~—(A) The minimum lot area, lot width, yard setbacks and height shall be as provided for open space uses in the table in § 1-19-6.100.~~

~~—(B) The subject property must have frontage and access on a paved public road.~~

~~—(C) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.~~

~~(Ord. 95-02-126, 3-2-1995)~~

§1-19-8.329. CHILD CARE CENTERS OR NURSERY SCHOOLS IN ~~A~~, R-1, R-3, R-5, R-8, AND LI DISTRICTS.

The following provisions shall apply to child care centers or nursery schools in ~~A~~, R-1, R-3, R-5, R-8, and LI Districts.

[(A) through (C) remain unchanged.]

(D) The maximum attendance at a child care center or nursery school at any 1 time shall be as follows:

- (1) One pupil per 1,000 square feet of lot area in ~~A~~, R-1, R-3 residential zoning;

[(2) and (3) remain unchanged]

[(E) through (G) remain unchanged]

§ 1-19-8.331. **LANDSCAPE CONTRACTORS** ~~COMMERCIAL GREENHOUSES OR NURSERIES IN RC OR A DISTRICTS.~~

The following provisions shall apply in **FOR LANDSCAPE CONTRACTORS** ~~commercial greenhouses or nurseries in RC and A Districts.~~

**(A) A COMBINED TOTAL OF NO MORE THAN 10,000 SQUARE FEET OF PRINCIPAL AND ACCESSORY STRUCTURES SHALL BE PERMITTED. WHEN A LANDSCAPE CONTRACTOR USE OPERATES IN CONJUNCTION WITH A RETAIL OR WHOLESALE NURSERY USE, ALL SQUARE FOOTAGE PROVISIONS ARE CALCULATED SEPARATELY.**

**(B) TOTAL IMPERVIOUS SURFACE AREA FOR PARKING AND STORAGE OF EQUIPMENT EXTERIOR TO ANY STRUCTURES SHALL BE LIMITED TO 40,000 SQUARE FEET. WHEN A LANDSCAPE CONTRACTOR USE OPERATES IN CONJUNCTION WITH A RETAIL OR WHOLESALE NURSERY USE, ALL SQUARE FOOTAGE PROVISIONS ARE CALCULATED SEPARATELY.**

~~(A)~~**(C)** Lot size, setback and height requirements are the same as other natural resource uses.

~~(B)~~**(D)** The parking requirements of §§ 1-19-6.200 through 1-19-6.230 of this Code will be met; however, no parking area is permitted within the required yard setback.

~~(C)~~**(E)** Any proposed exterior lighting will be reviewed and approved by the Board of Appeals. Such lighting will not cause glare onto adjacent properties.

~~(D)~~**(F)** One freestanding sign no more than:

- (1) Fifteen feet in height;
- (2) Twenty-five square feet in area per face;
- (3) Fifty square-foot total face area is permitted, subject to the normal setback

requirement for natural resource uses.

~~(E)~~**(G)** The subject property must have frontage and access on a paved public road, **WITH A MINIMUM PAVEMENT WIDTH OF 20 FEET AND HAVE ACCESS TO AT LEAST A COLLECTOR ROADWAY AS DESIGNATED ON THE COUNTY COMPREHENSIVE PLAN WHICH SHALL BE BUILT TO SAID CLASSIFICATION REQUIREMENTS OR SHALL BE WITHIN ½ MILE OF AT LEAST AN ARTERIAL DESIGNATED ROADWAY.**

~~—(F)—~~ Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

~~(G)~~**(H)** Petroleum, flammable liquid, or hazardous substance storage tanks shall have 100% catchment basin, or double-walled containment and a spill protection overfill alarm. This does not apply to propane or natural gas tanks.

~~(H)~~**(I)** Shall comply with § 1-6-50 Wellhead Protection Ordinance at site plan approval.

(J) **ALL EQUIPMENT AND MATERIALS SHALL BE SCREENED FROM ADJACENT PROPERTIES AND PUBLIC ROADS WITH PLANTINGS OF EVERGREENS, AT LEAST 5 FEET IN HEIGHT, OR A FENCE OF EQUAL HEIGHT.**

(K) **A VEHICLE CIRCULATION PLAN SHALL BE SUBMITTED INDICATING ADEQUATE TURN RADIUS IS PROVIDED BOTH TO AND FROM THE SUBJECT PROPERTY AS WELL AS FOR VEHICLE MOVEMENT WITHIN THE SITE FOR ALL PROPOSED VEHICLE AND EQUIPMENT BEING USED.**

§1-19-8.333. COUNTRY INNS IN RC AND A DISTRICTS.

The following provisions shall apply to country inns in RC and A Districts.

[(A) through (D) remain unchanged.]

(E) ~~One freestanding business sign per road frontage limited to 30 square feet in size and subject to one-half the normal front and side yard setback requirements.~~ **ONE FREESTANDING SIGN NO MORE THAN 15 FEET IN HEIGHT AND 25 SQUARE FEET IN AREA IS PERMITTED AND SHALL BE SUBJECT TO THE NORMAL SETBACK REQUIREMENT FOR NATURAL RESOURCES USES.**

(F) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

§. 1-19-8.334. FARM EQUIPMENT SALES OR SERVICE, FEED OR GRAIN MILLS IN THE A DISTRICT OR ~~AGRICULTURAL WHOLESALING OR PROCESSING~~ **AGRICULTURAL PRODUCTS PROCESSING** IN A AND RC DISTRICTS.

The following provisions shall apply to farm equipment sales or service, feed or grain mills in the A District or agricultural wholesaling or processing in A and RC Districts.

(A) The minimum lot size setbacks and height are the same as required for natural resource uses.

(B) The subject property must have frontage and access on a paved public road.

(C) One freestanding sign is permitted and will be no more than 15 feet in height and 25 square feet in area and subject to the normal setback requirement for natural resource uses.

(D) The parking requirements of §1-19-6.200 through 1-19-6.230 of this Code shall be met except, that parking areas will be permitted within the setback areas.

(E) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

(F) Petroleum, flammable liquid, or hazardous substance storage tanks shall have 100% catchment basin, or double-walled containment and a spill protection overfill alarm. This does not apply to propane or natural gas tanks.

(G) Shall comply with § 1-6-50 Wellhead Protection Ordinance at site plan approval.

**(H) THE FOLLOWING PROVISIONS SHALL APPLY TO FARM EQUIPMENT SALES OR SERVICE IN THE A DISTRICT:**

- 1. PARKING SHALL NOT BE LOCATED WITHIN REQUIRED SETBACK AREAS; AND**
- 2. PARKING AREAS SHALL BE SCREENED FROM ADJACENT RESIDENTIAL USES OR RESIDENTIAL ZONING DISTRICTS WITH PLANTINGS OF EVERGREENS, AT LEAST 5 FEET IN HEIGHT, OR A FENCE OF EQUAL HEIGHT PROVIDED TO SCREEN THE PARKING AREA.**
- 3. THE PROPERTY MUST HAVE FRONTAGE AND ACCESS ON AN ARTERIAL ROADWAY AS DESIGNATED IN THE COUNTYWIDE COMPREHENSIVE PLAN AND BUILT TO SAID CLASSIFICATION REQUIREMENTS.**

~~§1-19-8.335. GASOLINE STORAGE TANKS IN A AND RESIDENTIAL DISTRICTS, EXCEPT FARM LOTS.~~

~~Gasoline storage tanks in A and Residential Districts, except farm lots:~~

- ~~(A) — Shall have a minimum lot size of 40,000 square feet;~~
- ~~(B) — Shall be placed aboveground with a capacity not to exceed 1,100 gallons;~~
- ~~(C) — Shall be located a minimum of 100 feet from a well or as provided in § 1-6-50 (Wellhead Protection Ordinance), whichever is greater.~~
- ~~(D) — Must have a minimum setback of 25 feet from all property lines;~~
- ~~(E) — Shall be governed by the International Building Code 2003 as amended concerning storage tanks, and the National Fire Protection Association 30 as amended.~~
- ~~(F) — Storage tanks shall have 100% catchment basin, or double-walled containment and a spill protection overfill alarm.~~
- ~~(G) — Shall comply with § 1-6-50 Wellhead Protection Ordinance at site plan approval. (Ord. 79-19-145, 8-7-1979; Ord. 95-02-126, 3-2-1995; Ord. 07-16-456, 5-15-2007)~~

~~§1-19-8.336. GOLF DRIVING RANGE IN AGRICULTURAL DISTRICTS.~~

~~—The following provisions shall apply to golf driving ranges in Agricultural Zoning Districts.~~

- ~~(A) — Lot size shall be a minimum of 10 acres.~~
- ~~(B) — All yard setbacks shall be a minimum of 50 feet, except when the use is adjacent to a residential use property where the minimum setback from the residential use property line shall be 150 feet. The Board of Appeals may increase the setback requirements upon consideration of the area topography and the surrounding development.~~
- ~~(C) — No parking or storage will be permitted within the setback areas.~~

~~(D) — The property shall have frontage (as defined in § 1-19-4.520(C)) on and access to a paved public road having a minimum pavement width of 20 feet and classified as an arterial roadway on the County Comprehensive Plan.~~

~~(E) — The Board of Appeals shall have the authority to establish reasonable hours of operation.~~

~~(F) — The facility may use artificial lighting if approved by the Board of Appeals, with the location and design approved by the Planning Commission in conjunction with site plan review. The hours during which artificial lights can be used will be set (and subject to revision) by the Board of Appeals.~~

~~(G) — One freestanding sign will be permitted, not exceeding 25 feet in height and 32 square feet in size.~~

~~(H) — No video games, pinball machines or similar amusement games shall be permitted as an accessory to the driving range special exception.~~

~~(I) — The Board of Appeals may permit the placement of a miniature golf course on the site in conjunction with the driving range, subject to all of the criteria set forth in this section.~~

~~———— (1) — As part of the application for the special exception, the applicant for a miniature golf use shall submit to the Board of Appeals a detailed plan showing the visual appearance of the miniature golf use. The Board of Appeals shall review this plan and approve it only if it is consistent with the County Comprehensive Plan and in harmony with the neighborhood.~~

~~———— (2) — As part of site plan review, the Planning Commission shall require appropriate landscaping and screening especially where the miniature golf use is adjacent to an existing residential use. (Ord. 91-13-013, 6-4-1991; Ord. 93-19-083, 9-13-1993)~~

#### ~~§1-19-8.337. HORSE TACK AND SADDLERY SHOP.~~

~~— The following provisions shall be applicable to a horse tack and saddlery shop in the Agricultural District.~~

~~— (A) — The subject property must have frontage and access on a paved public road.~~

~~— (B) — The minimum lot size, setbacks, and height requirements are the same as required for a single-family dwelling.~~

~~— (C) — No parking, storage, or display is permitted within the required setbacks.~~

~~— (D) — One freestanding sign, no more than 15 feet in height and 25 square feet in area, is permitted. (Ord. 83-23-290, 10-11-1983)~~

§1-19-8.338. KENNELS, ANIMAL HOSPITALS OR VETERINARY CLINICS IN A, VC, **AND GC DISTRICTS AND KENNELS IN THE RC DISTRICT.**

The following provisions shall apply to commercial kennels, animal hospitals or veterinary clinics in ~~E~~, A, VC **and** GC Districts.

(A) The minimum lot area, lot width, yard setbacks and height, shall be as provided for in the table in § 1-19-6.100.

(B) Operations will be conducted within a completely enclosed building, no outside runs or kennels are permitted, except in the ~~RC and~~ A Districts, and then subject to a 150 foot minimum setback from all property lines.

**(C) IN THE A DISTRICT, THE MAXIMUM NUMBER OF ANIMALS PERMITTED SHALL BE 100.**

**(D) IN THE A DISTRICT, ONE FREESTANDING SIGN NO MORE THAN 15 FEET IN HEIGHT AND 25 SQUARE FEET IN AREA IS PERMITTED AND SHALL BE SUBJECT TO THE NORMAL SETBACK REQUIREMENT FOR NATURAL RESOURCES USES.**

~~(C)~~ **(E)** The subject property must have frontage and access on a paved public road.

~~(D)~~ **(F)** ~~Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.~~

~~(E)~~ **(G)** Animal incinerators are permitted as an accessory use to an animal hospital or veterinary clinic in the agricultural district only, and subject to the following additional requirements:

[(1)-(4) remain unchanged.]

§ 1-19-8.340. **CIVIC COMMUNITY CENTER AND CIVIC SERVICE CLUB IN THE A DISTRICT, AND PLACE OF WORSHIP IN THE RC AND A DISTRICTS.**

The following provisions shall apply to **CIVIC COMMUNITY CENTER AND CIVIC SERVICE CLUB IN THE A DISTRICT, AND** place of worship in the RC **AND A** Districts.

(A) The minimum lot area, lot width, yard setbacks and height shall be as provided for institutional uses in the table in § 1-19-6.100.

(B) The parking requirements of §§ 1-19-6.200 through 1-19-240 of this Code shall be met except that parking areas will not be permitted within the setback areas.

**(C) PARKING SHALL BE LIMITED TO THAT NUMBER REQUIRED BY ZONING ORDINANCE. AN INCREASE IN THE NUMBER OF PARKING SPACES MAY BE GRANTED BY THE PLANNING COMMISSION WHERE THE APPLICANT CAN DEMONSTRATE NEED BASED ON CHARACTERISTICS OF THE PROPOSED USE, HOURLY PARKING DEMAND STUDIES PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERING, OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION. PARKING SPACES APPROVED BEYOND THAT NUMBER REQUIRED BY ZONING ORDINANCE SHALL BE CONSTRUCTED OF PERVIOUS MATERIALS.**



~~(C)~~**(D)** The subject property must have frontage and access on a public road with a minimum pavement width of 20 feet **AND DESIGNATED AT LEAST A COLLECTOR ON THE COMPREHENSIVE PLAN.**

**(E) CHILD CARE CENTERS OR NURSERY SCHOOLS WHICH ARE OPERATED BY A NONPROFIT ORGANIZATION IN BUILDINGS OR STRUCTURES ON PREMISES WHICH ARE OWNED OR LEASED BY A RELIGIOUS ORGANIZATION AND WHICH PREMISES ARE REGULARLY USED AS A PLACE OF WORSHIP, OR ARE LOCATED ON PREMISES OWNED OR LEASED BY A RELIGIOUS ORGANIZATION ADJACENT TO PREMISES REGULARLY USED AS A PLACE OF WORSHIP, OR ARE USED FOR PRIVATE PAROCHIAL EDUCATIONAL PURPOSES, ARE A PERMITTED USE NOT REQUIRING SPECIAL EXCEPTION APPROVAL.**

**(F) BUILDINGS SHALL NOT EXCEED TWENTY-FIVE THOUSAND (25,000) SQUARE FEET OF TOTAL FLOOR AREA INCLUDING ACCESSORY STRUCTURES. IN ADDITION, THE FACILITY SHALL NOT GENERATE MORE THAN 300 PEAK HOURLY TRAFFIC TRIPS OR 900 MAXIMUM DAILY TRAFFIC TRIPS.**

**(G) ONE FREESTANDING SIGN NO MORE THAN 15 FEET IN HEIGHT AND 25 SQUARE FEET IN AREA IS PERMITTED AND SHALL BE SUBJECT TO THE NORMAL SETBACK REQUIREMENT FOR NATURAL RESOURCES USES.**

**(H) ACCESSORY USES SHALL BE LIMITED TO THOSE CUSTOMARILY INCIDENTAL TO THE PRINCIPAL USE APPLYING FOR APPROVAL, AS SPECIFICALLY PROVIDED WITHIN THIS CHAPTER (SEE SECTION §1-19-8.210), OR AS SPECIFICALLY APPROVED BY THE ZONING ADMINISTRATOR.**

**(I)** Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

§1-19-8.341. PRIVATE SCHOOLS IN THE ~~RC, A~~, R-1, R-3, R-5, R-8, R-12, R-16, VC AND LI DISTRICTS.

The following provisions shall apply to private schools.

(A) The minimum lot size and setbacks will be the same as normally required for institutional uses.

(B) The lot must have frontage and access on a public road with a minimum pavement width of 20 feet to the nearest paved road.

(C) The maximum attendance (number of students physically present at any 1 time) may not exceed 1 student per 970 square feet of lot area, except in the LI District where there shall be no maximum attendance limitation.

~~(D) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.~~

~~§1-19-8.343. PUBLIC BUILDINGS AND PROPERTIES IN THE RC DISTRICT.~~

~~—The following provisions shall apply to all public buildings and properties in the RC District.~~

~~—(A) The minimum lot area, lot width, yard setbacks and height shall be as provided for governmental and public utility uses in the table in § 1-19-6.100.~~

~~—(B) The parking requirement of §§ 1-19-6.200 through 1-19-6.230 of this Code shall be met except that parking areas will not be permitted within the setback areas.~~

~~—(C) The subject property must have frontage and access on a public road with a minimum pavement width of 20 feet.~~

~~—(D) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.~~

~~(Ord. 95-02-126, 3-2-1995)~~

§ 1-19-8.344. ~~RIDING STABLE,~~ **COMMERCIAL BOARDING STABLE OR CLUB** ~~IN THE RC DISTRICT.~~

The following provisions shall apply to ~~riding~~ **COMMERCIAL BOARDING** stables in the RC District.

(A) The minimum lot area, lot width, yard setbacks and height shall be as provided for animal care and service uses in the table in § 1-19-6.100.

(B) The subject property must have frontage and access on a public road with a minimum pavement width of 20 feet.

(C) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

**(D) ONE FREESTANDING SIGN NO MORE THAN 15 FEET IN HEIGHT AND 25 SQUARE FEET IN AREA IS PERMITTED AND SHALL BE SUBJECT TO THE NORMAL SETBACK REQUIREMENT FOR NATURAL RESOURCES USES.**

§1-19-8.346. SCHOOL BUS PARKING.

The following provisions shall apply to school bus parking facilities in the RC, A, and VC Districts.

(A) A maximum of 5 school buses can be parked on the site.

(B) All school buses parked or stored outside of a structure ~~shall be screened from adjoining properties.~~ **SHALL BE SCREENED FROM ADJACENT PROPERTIES AND ROADS WITH PLANTINGS OF EVERGREENS, AT LEAST 5 FEET HIGH, OR A FENCE OF EQUAL HEIGHT.**

(C) No school buses shall be parked or stored within the setback requirements **OF 40 FEET FRONT YARD, 50 FEET SIDE YARD, AND 50 FEET REAR YARD.**~~for principal structures in the District.~~

(D) Adequate parking shall be provided on site for school buses and drivers.

(E) The driveway or access to the school bus parking area shall be paved by concrete, asphalt or stone surface.

(F) Only minor repairs to the provider's own school buses shall be permitted. In no case shall body work, engine rebuilding, engine reconditioning or collision services be permitted.

(G) A maximum of 550 gallons of fuel may be stored on the site, if approved by the Board of Appeals, upon compliance with all applicable environmental regulations and such fuel storage shall be set back a minimum of 50 feet from all property lines.

(H) ~~The existing storage or parking of school buses and number of vehicles shall be deemed valid nonconforming uses as of the effective date of this amendment. These sites shall be restricted to the providers currently having contracts with the Board of Education of Frederick County or nonpublic schools in Frederick County.~~ **SHALL COMPLY WITH § 1-6-50 WELLHEAD PROTECTION ORDINANCE AT SITE PLAN APPROVAL.**

~~§1-19-8.347. SCHOOLS IN A RC DISTRICT.~~

~~—The following provisions shall apply to schools in RC Districts.~~

~~(A) —They must meet normal yard and lot area requirement for public governmental uses.~~

~~(B) —The property will have frontage and access on a public road with a minimum pavement width of 20 feet and classification of collector as per the Comprehensive Development Plan.  
(Ord. 77-1-78, § 40-72(A-18), 1-24-1977; Ord. 82-19-263, 9-7-1982; Ord. 95-02-126, 3-2-1995)~~

**§1-19-8.347. SAWMILL IN THE A AND RC DISTRICTS.**

**THE FOLLOWING PROVISIONS SHALL APPLY TO SAWMILL OPERATIONS REQUIRING SPECIAL EXCEPTION APPROVAL IN AGRICULTURAL DISTRICT.**

**(A) A MINIMUM LOT SIZE OF 10 ACRES.**

**(B) BUILDING SETBACK SHALL BE 150 FEET FROM PROPERTY LINE.**

**(C) THE HOLDER OF THE SPECIAL EXCEPTION MUST MAINTAIN ALL APPLICABLE VALID FEDERAL, STATE AND LOCAL PERMITS.**

**(D) CONDITIONS MAY BE ESTABLISHED REGULATING THE OPERATION OF THE USE, INCLUDING, BUT NOT LIMITED TO, ROUTING OF TRUCKS, TOTAL NUMBER OF TRUCKS, HOURS OF OPERATIONS, VOLUME OF OPERATION AND DUST CONTROL. PARKING AND MAINTENANCE OF TRUCKS AND OTHER EQUIPMENT AND ACTIVITIES ACCESSORY TO THE OPERATIONS MUST BE INCLUDED WITHIN THE APPLICATION AND WILL BE SUBJECT TO ALL CONDITIONS ESTABLISHED BY THE BOARD.**

(E) THE USE SHALL COMPLY WITH ALL APPLICABLE NOISE, DUST, AND OTHER POLLUTANT STANDARDS SET FORTH BY FEDERAL, STATE AND LOCAL REGULATIONS AND AT A MINIMUM IN THE AGRICULTURAL DISTRICT SHALL COMPLY WITH § 1-19-7.610 AS IT APPLIES TO THE LIMITED INDUSTRIAL (LI) DISTRICT.

(F) THE SITE SHALL HAVE ACCESS TO A COLLECTOR OR ARTERIAL ROADWAY AS DESIGNATED ON THE COMPREHENSIVE PLAN AND SHALL BE BUILT TO SAID CLASSIFICATION REQUIREMENTS.

(G) THE SITE SHALL HAVE A MINIMUM OF 80 FEET OF ROAD FRONTAGE. ACCESS TO A SITE VIA A PANHANDLE IS PROHIBITED.

(H) NO ZONING CERTIFICATE WILL BE ISSUED BY THE ZONING ADMINISTRATOR UNTIL ALL APPLICABLE PERMITS HAVE BEEN REVIEWED BY THE APPROPRIATE FEDERAL, STATE AND LOCAL AGENCIES AND WITH THE UNDERSTANDING THAT THE ISSUANCE OF THE CORRESPONDING PERMITS IS ONLY DEPENDENT UPON THE COUNTY ISSUANCE OF THE ZONING CERTIFICATE.

(I) THE USE AND ZONING SHALL CORRESPOND TO THE COMPREHENSIVE PLAN DESIGNATION.

(J) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(K) THE USE SHALL COMPLY WITH §1-6-50 (WELLHEAD PROTECTION ORDINANCE) AT SITE PLAN APPROVAL.

(L) ONE FREESTANDING SIGN OF NO MORE THAN 15 FEET IN HEIGHT AND 25 SQUARE FEET IN AREA IS PERMITTED AND SHALL BE SUBJECT TO THE NORMAL SETBACK REQUIREMENT FOR NATURAL RESOURCE USES.

~~§ 1-19-8.349. SPORTS TRAINING FACILITIES IN THE A DISTRICT.~~

~~—The following provisions shall apply to all sports training facilities in the Agricultural District.~~

~~—(A) The minimum lot size shall be 50 acres.~~

~~—(B) The site shall have a minimum of 100 feet of frontage on and access to a paved public road having a minimum pavement width of 20 feet and classified as a collector roadway on the County Comprehensive Plan.~~

~~—(C) Facilities may be served by private well and septic systems; however, if the facility is proposed to be served by public water and sewer, the site shall be designated on the County Water and Sewer Plan for public water and sewer service.~~

~~—(D)— Minimum setbacks for buildings shall be 50 feet from all property lines, and outdoor activity areas shall be 200 feet from property lines of residential use properties and public roads.~~

~~—(E)— Coverage areas for buildings, enclosed areas, other impervious athletic areas and parking shall not exceed 7 acres.~~

~~—(F)— Lighting and hours of operation shall be determined by the Board of Zoning Appeals except when adjacent to residential usage then exterior activities and lighting shall be limited to 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday unless otherwise limited or extended by the Board of Zoning Appeals. Directional lighting and directional speakers shall be utilized so as to minimize impact on adjacent residences.~~

~~—(G)— A sports training facility shall be a facility primarily operated for the purpose of providing training and conditioning for beginner through advanced levels, serving students, athletes and/or coaches in a variety of field athletic pursuits. Enclosed facilities may also accommodate gymnastics, swimming, cheerleading and aerobics or similar uses as approved by the Board of Zoning Appeals, but shall be limited in size to the coverage provisions of subsection (E).~~

~~(Ord. 98-08-210, 4-21-1998)~~

#### §1-19-8.350. SPRING WATER HARVESTING IN THE RC DISTRICT.

The following provisions shall apply to spring water harvesting uses in the RC District.

[(A) through (E) remain unchanged.]

**(F) ONE FREESTANDING SIGN IS PERMITTED AND WILL BE NO MORE THAN 15 FEET IN HEIGHT AND 25 SQUARE FEET IN AREA AND SUBJECT TO THE NORMAL SETBACK REQUIREMENT FOR NATURAL RESOURCE USES.**

#### §1-19-8.351. CRITERIA FOR STORAGE OF EXPLOSIVE MATERIALS:

~~(A)— The subject property must have frontage and access on a paved public road.~~

~~(B)— As part of the application process, the applicant shall provide the Board of Appeals with copies of applications for state and federal licenses. Prior to the issuance of a zoning certificate, copies of the valid licenses must be submitted to the Zoning Administrator as proof of compliance with National Fire Protection 495 Code, 1985 (NFPA), as amended from time to time; and compliance with the provisions of the National Fire Protection 495 Code, 1985 (NFPA), as amended from time to time must be continued while the special exception is in use.~~

~~(C)— No business office shall be located or operated on the subject property.~~

~~(D)— Retail trade activity shall not be conducted on the subject property.~~

~~(E)— For a site located within a conservation zone, the requirements of § 1-19-7.200 of this Code shall also be met.~~

§ 1-19-8.354. TENT CAMPGROUNDS IN A AND RC DISTRICTS.

The following provisions shall apply to tent campgrounds in A and RC Districts.

**(A) A MINIMUM LOT SIZE OF 10 ACRES.**

~~(A)~~**(B)** Travel trailer or other residential vehicle is not permitted.

~~(B)~~**(C)** The only permitted permanent structure for residential occupancy will be occupied by the resident owner or manager.

~~(C)~~**(D)** The subject property must have frontage **ON** and access **TO** ~~on~~ a paved public road.

~~(E)~~**(E)** Density will be no more than 1 camp site per acre in the A and 1 per 5 acres in the RC District.

**(F)** One freestanding off-premise sign is permitted on each access road, ~~such~~ **THE** sign will be no more than ~~20~~ **25** square feet in area, 15 feet in height, and will not be located on or in a public right-of-way.

**(G) PARKING SHALL BE LIMITED TO 1 PERVIOUS PARKING SPACE PER CAMP SITE WITH PAVING LIMITED TO AN OVERFLOW PARKING AREA CO-LOCATED ADJACENT TO THE ACCESS AS REQUIRED IN (D) ABOVE.**

**(H) WITHIN THE RC DISTRICT, THE REQUIREMENT OF §1-19-7.200 OF THIS CODE SHALL BE MET, CLEARING SHALL BE MINIMIZED, AND THE IMPACT OF DEVELOPMENT SHALL BE REDUCED BY:**

1. **RETAINING EXISTING TREE LINES, HEDGE ROWS OR ROCK FORMATIONS TO SERVE AS BUFFERS BETWEEN PROPOSED STRUCTURES AND COUNTY ROADS AND RIGHTS-OF-WAY; AND**

2. **REDUCING VISUAL PROMINENCE OF PROPOSED STRUCTURES BY BUILDING ADJACENT TO WOODLAND EDGES AND NOT IN THE CENTER OF OPEN SPACE AREAS ON A PROPOSED SITE; AND**

3. **AVOIDING BUILDING ON RIDGE LINES, UNLESS ALTERNATIVE SITE LOCATIONS ARE UNAVAILABLE AND EXISTING FOREST BUFFERS CAN BE RETAINED TO REDUCE VISUAL IMPACTS; AND**

4. **OPENING UP VIEWS ONLY THROUGH SELECTIVE TREE AND LIMB REMOVAL RATHER THAN CLEAR CUTTING**

§1-19-8.355. ~~TRAP, SKEET, RIFLE, AND ARCHERY RANGES AND HUNTING, FISHING AND GUN CLUBS~~ **SHOOTING RANGE/CLUB – TRAP, SKEET, RIFLE, ARCHERY IN THE RC AND A DISTRICTS.**

The following provisions shall apply to ~~trap, skeet, rifle, archery ranges and hunting, fishing and gun clubs~~ **SHOOTING RANGE/CLUB – TRAP, SKEET, RIFLE, ARCHERY** in the RC and A Districts.

(A) ~~INDOOR S~~shooting ranges **AND STRUCTURES ASSOCIATED WITH SHOOTING RANGES** shall be located at least 250 feet from all property lines and public ways and 450 feet from occupied structures. **PERMANENT STRUCTURES SHALL BE LIMITED TO THOSE CUSTOMARILY ASSOCIATED WITH THE PRINCIPAL USE OF THE PROPERTY AS A SHOOTING RANGE.**

(B) The setback of all structures not used for shooting ranges shall comply with the setbacks for principal structures in the districts in which they are located.

(C) The property must have a minimum of 20 feet frontage on a public road or adequate easement to be determined by the Board of Appeals.

(D) ~~Trap, skeet, rifle, archery ranges and hunting, fishing and gun clubs~~ **SHOOTING RANGE/CLUB – TRAP, SKEET, RIFLE, ARCHERY** with a planned capacity of 100 persons or more must have frontage and access on a paved public road. If the planned capacity is under 100 persons, there will be no specific road requirements other than the provision contained in § 1-19-3.210(B)(5).

(E) A site development plan shall be submitted to and approved by the Planning Commission.

(F) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

(G) **OUTDOOR DISCHARGING OF FIREARMS OR RELEASE OF ARROWS SHALL NOT BE PERMITTED WITHIN 500 FEET OF ANY PROPERTY LINE.**

(H) **SHOOTING RANGES SHALL BE CONSTRUCTED TO ELIMINATE DANGER TO PERSONS OR PROPERTY FROM FLYING PROJECTILES. THE AREA BETWEEN THE FIRING POINT AND TARGET SHALL BE BAFFLED, FENCED, OR OTHERWISE SHIELDED SO THAT THE FIRED PROJECTILES CANNOT ESCAPE THE RANGE AREA. SAFETY DESIGN SHOULD BE IN ACCORDANCE WITH ACCEPTED STANDARDS AND PRACTICES.**

(I) **SHOOTING RANGES SHALL PRACTICE LEAD CONTAINMENT/COLLECTION OF PROJECTILES WITH BEST MANAGEMENT PRACTICES FOR THE INDIVIDUAL SITE IN ACCORDANCE WITH NATIONALLY ACCEPTED STANDARDS TO MAXIMIZE CONTAINMENT.**

(J) **THE MINIMUM LOT SIZE SHALL BE 10 ACRES.**

(K) **THE FACILITY SHALL BE DESIGNED SO THAT TOPOGRAPHIC FEATURES OF THE SITE ARE USED TO ENHANCE SAFETY, MINIMIZE FIREARM NOISE, AND MAXIMIZE LEAD CONTAINMENT.**

(L) **MANNER AND TIMES OF OPERATION SHALL BE APPROVED BY THE BOARD OF APPEALS.**

(M) **ONE FREESTANDING SIGN NO MORE THAN 15 FEET IN HEIGHT AND 25 SQUARE FEET IN AREA IS PERMITTED AND SHALL BE SUBJECT TO THE NORMAL SETBACK REQUIREMENT FOR NATURAL RESOURCES USES.**

§ 1-19-8.356. ~~TRAVEL TRAILER PARKS~~ **RECREATIONAL VEHICLE CAMPGROUND** IN A ~~AND~~ HS DISTRICTS.

The following provisions shall apply to ~~travel trailer parks~~ **RECREATIONAL VEHICLE CAMPGROUND** in ~~A and~~ HS Districts.

(A) Both tent and recreation vehicles ~~s campers~~ can be accommodated within a ~~travel trailer park~~ **RECREATIONAL VEHICLE CAMPGROUND** but the ~~park~~ **CAMPGROUND** will be designed for recreational vehicles.

(B) Each ~~park~~ **CAMPGROUND** will contain individual site electrical and water outlets, ~~4 or more central travel trailer sanitary stations~~, toilet and shower facilities, **AND SANITARY FACILITIES AS REQUIRED BY THE FREDERICK COUNTY HEALTH DEPARTMENT**.

(C) The campground will have a minimum of 200 feet of road frontage on **AND ACCESS TO a PUBLIC** road with a minimum **PAVEMENT WIDTH OF 20 FEET AND DESIGNATED AT LEAST A COLLECTOR IN THE COUNTYWIDE COMPREHENSIVE PLAN** ~~of a collector street~~.

(D) Accessory commercial **AND RECREATIONAL** services, if exclusively used for residents of the ~~park~~ **CAMPGROUND** are permitted. This may include coin-operated laundry, grocery, **SWIMMING POOL**, ~~trailer and trailer parts sales~~ or entertainment **APPROVED BY THE ZONING ADMINISTRATOR**.

(E) Maximum density permitted is 15 campsites per acre and a minimum of 3,000 square feet per camp site. A camp site will be at least 50 feet from the property line.

(F) One freestanding sign, no more than 50 square feet in area and 25 feet in height is permitted per frontage. Building identification signs shall be attached to buildings and may not exceed a total of 10 square feet.

(G) The only permitted permanent residential occupancy will be for the resident owner or manager.

~~(H) The subject property must have frontage and access on a public road with a minimum pavement width of 20 feet to the nearest paved road and with a Master Highway Plan classification of a collector street.~~

DIVISION 4. PERMITTED USES

**1-19-8.410. RESERVED BED AND BREAKFAST.**

(A) **MINIMUM LOT AREA OF ONE ACRE**

(B) **THE MAXIMUM STAY FOR GUESTS SHALL NOT EXCEED 30 DAYS DURING A PERIOD OF SIX MONTHS AND NO ONE VISIT SHALL EXCEED MORE THAN 14 CONSECUTIVE DAYS;**

(C) **MEAL SERVICE SHALL BE LIMITED TO OVERNIGHT GUESTS ONLY;**

(D) **THERE SHALL BE NO SEPARATE KITCHEN OR COOKING FACILITIES IN ANY GUESTROOM;**



(E) THE USE OF AMENITIES, SUCH AS A SWIMMING POOL, SHALL BE RESTRICTED TO USE BY GUESTS OF THE ESTABLISHMENT;

(F) PARKING SHALL NOT BE LOCATED WITHIN REQUIRED SETBACK AREAS.

**1-19-8.480. USES PERMITTED IN THE EUCLIDEAN INSTITUTIONAL OR OPEN SPACE RECREATION ZONING DISTRICTS.**

(A) USES FORMALLY RECOGNIZED AS EXISTING WITHIN THE AGRICULTURAL ZONING DISTRICT PRIOR TO THE CREATION OF THE INSTITUTIONAL AND OPEN SPACE RECREATION FLOATING ZONING DISTRICTS SHALL BE PERMITTED TO EXPAND SUBJECT TO THE SITE PLAN REVIEW PROCESS BASED ON THE FOLLOWING REQUIREMENTS:

(1) THE EXPANSION SHALL NOT INCLUDE ACREAGE BEYOND THAT ORIGINALLY DESIGNATED AS EUCLIDEAN INSTITUTIONAL OR EUCLIDEAN OPEN SPACE RECREATION; **AND**

(2) THE PROPOSED EXPANSION SHALL NOT INCLUDE NON-CONFORMING USES, STRUCTURES, OR LOTS; **AND**

(3) **WITHIN THE EUCLIDEAN OPEN SPACE RECREATION ZONING DISTRICT THE PROPOSED USE(S) AND THE EXISTING USE(S) MEET THE DEFINITION OF:**

- 1. RECREATIONAL VEHICLE CAMPGROUND; OR**
- 2. OUTDOOR RECREATION CENTER; OR**
- 3. GOLF COURSE**

(4) **WITHIN THE EUCLIDEAN INSTITUTIONAL ZONING DISTRICT THE PROPOSED USE(S) AND THE EXISTING USE(S) MEET THE DEFINITION OF:**

- 1. COLLEGE OR UNIVERSITY; OR**
- 2. CIVIC COMMUNITY CENTER; OR**
- 3. CIVIC SERVICE CLUB; OR**
- 4. PLACE OF WORSHIP**

(B) THE PROPOSED EXPANSION IS A PRINCIPAL PERMITTED NATURAL RESOURCE USE IN THE AGRICULTURAL ZONING DISTRICT AS PROVIDED WITHIN SECTION §1-19-5.310 USE TABLE, OR

(C) **A PRIVATE SCHOOL, ELEMENTARY OR SECONDARY SCHOOL WITH EUCLIDEAN INSTITUTIONAL ZONING SHALL BE PERMITTED TO EXPAND SUBJECT TO THE SITE PLAN REVIEW PROCESS.**

(D) THOSE PROPERTIES WITH EUCLIDEAN INSTITUTIONAL OR EUCLIDEAN OPEN SPACE ZONING SHALL REVERT TO AGRICULTURAL ZONING IN THE EVENT THAT THE ORIGINAL RECOGNIZED USE HAS CEASED FOR ONE YEAR OR MORE.

## ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT

### DIVISION 7. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

#### § 1-19-10.700.2. GENERAL PROVISIONS.

[(A) remains unchanged]

(B) The location of a PUD as a floating zone is restricted to the residential areas as delineated in the adopted County Comprehensive Development Plan. Specifically, these areas are identified on the Comprehensive Development Plan Map as low density residential, medium density residential or high density residential.

(C) (1) There shall be no minimum tract size, ~~for a PUD. In addition, there will be no minimum lot area, OR and lot width~~ **FOR A PUD. HOWEVER, WHERE A CONTINUING CARE RETIREMENT COMMUNITY (CCRC) CONSTITUTES AN ENTIRE PUD APPLICATION (CCRC PUD), THE TRACT SHALL HAVE A MINIMUM LOT WIDTH OF 200 FEET AND A MINIMUM LOT SIZE OF 5 ACRES.**

(a) The setbacks of structures within a PUD shall be as follows:

Front yard	minimum 25-foot setback
Side yard	minimum 8-foot setback
Rear yard	minimum 25-foot setback

**THE SETBACKS FOR STRUCTURES WITHIN A CCRC PUD SHALL BE AS FOLLOWS:**

**FRONT YARD MINIMUM 40-FOOT SETBACK**

**SIDE YARD MINIMUM 50-FOOT SETBACK**

**REAR YARD MINIMUM 50-FOOT SETBACK**

(b) Provided, however, that where the applicant submits a comprehensive site plan for 3 or more contiguous structures or lots, the applicant may propose a reduction or modification to the above minimum setbacks. Any site plan which proposes a reduction or modification to the above minimum setbacks shall be subject to the normal posting requirements for site plans as provided in § 1-19-3.300 of this Code. The Planning Commission may approve such reductions or modifications based upon:

1. Consistency with the PUD Phase II land use plan densities approved for the section of the project;
2. Compatibility with the pattern of or relationship to existing development on adjacent or confronting lots;
3. Conformity with county-adopted community design guidelines;
4. Consistency with the objectives of the PUD zone as defined in subsection (A) above.

(2) Accessory structures may be located anywhere on the lot except the required front yard setback area and may project to the lot lines but in all cases they must be located a minimum of 6 feet from any structure on an adjoining lot.

(3) Setbacks and height limitations for structures over 3 stories or 30 feet shall be determined by the Planning Commission with site plan approval.

(4) Notwithstanding any other provision of this chapter, within areas designated “Mixed Use Town Center” or “Mixed Use Village Center” on an approved Phase II Plan, the applicant may propose, and the Planning Commission may approve, design criteria, dimensional requirements, and/or parking and loading requirements that are not in conformance with existing zoning and subdivision regulations. These modifications may include, but will not necessarily be limited to: setbacks, parking, loading spaces, rights-of-way widths, street design and landscaping. These modifications may be granted by the Planning Commission at the time of preliminary plan and/or site plan approval provided that a comprehensive concept plan has been submitted for the Mixed Use Town Center and/or Mixed Use Village Area. In determining whether to grant a requested modification under this section, the Planning Commission may consider whether the requested modification tends to achieve excellence of design, to create a particular community theme, to make an efficient use of land, to provide suitable amenities for the center, and/or to create a community which reduces reliance on vehicular transportation.

(D) (1) The gross density of the PUD is set in the following table and will not exceed the maximum density specified for the residential classification of the Comprehensive Development Plan for the area in which the PUD is proposed.

<i>Comprehensive Development</i>	
<i>Plan Classification</i>	<i>Density</i>
Low Density Residential	1-5 hu/acre
Medium Density Residential	5-11 hu/acre
High Density Residential	10-18 hu/acre

(2) Such density is calculated on the basis of only that land area classified as residential in the Comprehensive Development Plan and will be set by the Board of County Commissioners and will be within the ranges set by the above density table. If the PUD is located within 2 or more residential classifications then the density to be set may reflect a weighted average of the density ranges specified for the residential classification in which the PUD is proposed. The weighted average shall be based upon the percentage of land area in each classification. PUDs are subject to the requirements of Division 8 of this chapter. Density bonus will be determined as part of the PUD review process.

(E) The criteria for setting the density of the PUD includes:

- (1) Existing and planned availability of public services; and
- (2) Access to existing or planned major thoroughfares and transportation systems; and
- (3) The physical characteristics of the site with particular emphasis on restraints to development including steep slopes or floodplains; and
- (4) The shape of the tract of land; and
- (5) The proposed design of the PUD; and
- (6) Any other relevant information which may have a bearing on the development capacity of the PUD.

(7) If any development or portion thereof requests designation as an age-restricted community for the purpose of being exempt from the Adequate Public Facilities Ordinance (APFO) schools test under § 1-20-7(E), this request must be made as part of the applicant's Phase I (rezoning) application, indicating the number and location of the proposed age-restricted dwelling units.

(a) The Planning Commission and the BOCC, in their respective reviews of the proposed development, shall consider the following criteria to determine whether the project or portion thereof may be approved for designation as an age restricted community:

1. Active and passive recreational amenities.
2. Availability, suitability and proximity of the development to planned support services.
3. The amount of existing and approved age-restricted development in the county and in proximity to the proposed development.

(b) An adaptive reuse project is not required to be designated at Phase I as an age- restricted community in order to apply for the exemption from the APFO schools test under § 1-20-7(E).

(F) Land use activities are permitted within a PUD as follows.

(1) All residential uses are permitted within the PUD including single-family detached, duplex, triplex, fourplex, townhouses, patiohouses, apartments, high rise apartments, or zero lot line dwellings. **A CCRC PUD OR A CCRC AS A PORTION OF A PUD MAY INCLUDE THE FOLLOWING COMPONENTS: INDEPENDENT LIVING UNITS, ASSISTED LIVING FACILITIES, AND SKILLED CARE NURSING FACILITIES.**

(2) Commercial uses are permitted as approved by the Planning Commission for PUD developments if the development contains 500 or more dwelling units, then 1 acre of land for every 100 dwelling units may be used for commercial purposes and must be shown on the Phase I and Phase II plans.

(3) Limited industrial and office/research uses are permitted as approved by the Planning Commission for developments of 1,000 or more dwelling units at a rate of 5 acres of land for every 100 dwelling units and must be shown on the Phase I and Phase II plans.

(4) Green area will be provided at the following minimum rates (not to be confused with recreational area):

***Green Area (Minimum***

***Gross Density      Percent of Gross Area)***

1-5 hu/acre	30
6-10 hu/acre	35
11-18 hu/acre	40

(5) Uses which are customary, accessory or associated with permitted uses including private garages, storage spaces, tool sheds or other similar accessory uses are permitted. **A CCRC PUD OR A CCRC AS A PORTION OF A PUD MAY INCLUDE RELATED INCIDENTAL ACCESSORY USES FOR THE BENEFIT OR CONVENIENCE OF THE RESIDENTS AND THEIR GUESTS INCLUDING BUT NOT LIMITED TO: KITCHEN AND DINING FACILITIES, RESTAURANTS, PLACES OF WORSHIP, INDOOR AND OUTDOOR RECREATIONAL USES, RETAIL AND BANKING FACILITIES, BEAUTY SALON AND BARBERSHOPS, GIFT SHOPS, CLASSROOMS, MEDICAL OFFICES, MEDICAL CLINIC, LABORATORY SERVICES, EXERCISE AND VOCATIONAL ACTIVITY AREAS. A COMPLETE LISTING AND RANGE OF SQUARE FOOTAGE FOR EACH INDIVIDUAL ACCESSORY USE MUST BE SHOWN ON THE PHASE I PLANS. THE BOCC SHALL HAVE THE AUTHORITY TO DENY OR REDUCE THE SIZE, TYPE, LOCATION, AND/OR MIXTURE OF THE VARIOUS ACCESSORY USES IF DETERMINED THAT IT IS INAPPROPRIATE FOR THE SITE OR OVERALL AREA OF THE CCRC.**

(6) ~~Subject to the prior approval of the Planning Commission,~~ in accordance with the criteria set forth below, quasi-public uses, **NOT RECEIVING APPROVAL AT PHASE I**, shall be permitted which are associated with the needs of the PUD as a whole. Such uses include recreational and community activities, public services and facilities, churches, day care centers, health care facilities, nursing homes, senior citizen centers, funeral homes, schools and any other quasi-public use the Planning Commission determines is compatible with the development scheme, meets the needs of the PUD and will not adversely impact adjoining land uses within the PUD.

(a) Quasi-public uses shall meet the following requirements.

1. The minimum lot size for quasi-public uses shall be 1 acre; and
2. Minimum setbacks for quasi- public uses shall be 40 feet front and 50

feet side and rear yards. However, the Planning Commission may approve a minimum of an 8 foot side yard requirement for quasi-public uses constructed on a lot which adjoins another quasi-public use, provided that there shall be a minimum separation between buildings equal to the height of the tallest structure.

**3. THE PLANNING COMMISSION MAY APPROVE MODIFICATIONS TO THE MINIMUM LOT SIZE AND SETBACKS FOR QUASI-PUBLIC USES NOT RECEIVING APPROVAL AT PHASE I WHERE THOSE MODIFICATIONS MEET THE OVERALL PURPOSE AND INTENT OF A CCRC PUD.**

(b) **FOR QUASI-PUBLIC USES NOT RECEIVING APPROVAL AT PHASE I**, ~~the~~ Planning Commission shall not grant a quasi-public use unless and until:

1. A written application to amend the Phase II plan for the PUD is submitted indicating the grounds on which the approval of the quasi-public use is requested, along with a site plan for the use prepared in accordance with §§1-19-3.300 through 1-19-3.300.2 of this chapter; and
2. A public meeting has been held and the Planning Commission has made a finding that the use requested meets the requirements outlined in this section; and
3. Prior to the public meeting being held by the Planning Commission on the land use change for the Phase II plan, the property shall be posted for a minimum of 30 days.

(c) In evaluating a quasi-public use requests, the Planning Commission shall consider the relation of the proposed use to the existing and future development patterns in the PUD. A quasi-public use may be granted if the Planning Commission finds that:

1. The proposed use meets the needs of the PUD and is in harmony with the purpose and intent of the approved PUD plans and this chapter; and
2. The nature and intensity of the operations involved in or conducted in connection with the use and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the PUD in which it is located; and
3. Operations in connection with the use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would be the operations of any permitted use not requiring approval; and
4. Parking areas will comply with the off-street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety; and

5. The road system providing access to the proposed use is adequate to serve the site for the intended use.

(d) The Planning Commission in addition to other requirements imposed under this chapter is hereby authorized to add to the specific requirements contained herein any additional conditions that it may deem necessary to protect adjacent properties and the integrity of the PUD.

(e) Upon approval of the quasi-public use in a PUD the Phase II plan for the PUD shall be revised to reflect the change.

(f) Any use or activity permitted as a quasi-public use in a PUD may not be enlarged or extended beyond the limits authorized in the grant of approval. All enlargements, extensions and changes in use shall require additional grants of approval by the Planning Commission for the additional area, and shall be reviewed in the same manner as an original petition.

(G) The location, design and extent of public facilities to be provided are subject to the recommendation of the Planning Commission and approval by Board of County Commissioners. The following facilities will be provided in PUDs.

(1) *Schools.* If the PUD contains 500 or more dwelling units then 1 acre of land for each 100 dwelling units will be provided for school sites. However, if it is determined by the Planning Commission that a school site is not needed, they may substitute some other public facility (such as fire or police station or library, etc.) in lieu of the school for this site.

(2) *Water and sewer.* All PUDs shall be served by a community water and sewer system.

(3) *Transportation.* The location and design of roads will be in accordance with the Comprehensive Development Plan, the county subdivision regulations and the Design Manual.

(4) *Recreation.* Recreation areas shall be provided on the basis of a minimum of 1 acre per 60 dwelling units. (This is not in addition to that required for green space.)

(5) *Other public facilities.* The Planning Commission may require developments containing 1,000 or more dwelling units to provide at least 1 acre for a fire station site and at least 10,000 square feet for provision of library services. In addition to the above, the Planning Commission may require sites for other public facilities if the need can be justified.

(6) *Ownership and maintenance of public facilities.*

(a) Streets will be owned and maintained by the county unless acceptance of the streets is contrary to county policy, then the owner or developer will make arrangements acceptable to the county for the ownership and maintenance of the street.

(b) Green space and recreation areas may be owned and maintained by the county, or by a home owners association, condominium association or similar organization, subject to the approval of the Planning Commission and acceptance by the Board of County Commissioners.

(H) Review of the project will take place in 3 phases. At the culmination of each phase the applicant will receive all necessary approvals by the end of each phase before formally proceeding to the next review phase. Such phases are as follows.

(1) *Phase 1 - The Justification Phase.* The developer will collect sufficient information to provide the Board of County Commissioners with a basis to approve the overall concept of the project and rezone the property and set a maximum permitted land use density for the PUD, or to disapprove the concept of the project. No application for Phase I will be accepted unless the area of the proposed PUD is classified at least S-5, W-5 on the master plan for water and sewer.

(a) The following submission will be made at the time of application.

1. A sketch plan at 1 inch equals 400 feet scale. The submitted plat shall show 20 foot contours, all existing natural and man-made features, existing zoning and vicinity map.
2. A schematic plan generally identifying location, densities and acreage of all proposed land uses.
3. A requested land use density and justification for the total project.
4. A statement covering the considerations listed under paragraph (b)

following.

(b) The Planning Commission and the Board of County Commissioners in their respective reviews of the proposed development will consider all of the following criteria to determine whether the project should be approved or disapproved:

1. The relationship of any development with the Comprehensive Plan, zoning regulations and other established development policy guidelines; and
2. The general location of the site and its relationship to existing land use in immediate vicinity; and
3. The long term implications the PUD would have on subsequent local development patterns and the demand for public facilities and services in the county and neighboring municipalities; and
4. The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity; and
5. The PUD's proposed construction schedule and how it relates to the provision of public services and facilities necessary to serve the PUD; and
6. The availability and suitability of vehicular access; and



7. The availability of water and sewer facilities including state approval for a point of discharge or water appropriation; and Board of County Commissioners approval that the project is within the service area of the water and sewer facilities proposed to serve it and that there is or will be sufficient capacity to serve the project. Where capacity is insufficient an applicant must contract with the owners of the water and sewer facilities to ensure sufficient water and sewer capacity to meet the density requested by the applicant. The Board of County Commissioners shall determine if such arrangement is adequate to protect the interests of the county.

(c) The Planning Commission shall review the Phase I proposal at a public hearing advertised at least 15 days prior to such hearing. Adjacent property owners, those immediately abutting and confronting the PUD shall also be given notice of the proposed project and the hearing date. The Planning Commission shall then make a recommendation to the Board of County Commissioners as to approval or disapproval of the PUD application. A recommendation for approval will be accompanied by a recommendation for a land use density for the project.

(d) The County Commissioners shall then determine the feasibility and desirability of the project concept at a public hearing. The Board of County Commissioners shall hold their own public hearing giving at least 15 days notice of such hearing in a newspaper of general circulation in the county. Adjacent property owners, those immediately abutting and confronting shall also be notified of the proposed project and the hearing date. The Board of County Commissioners shall at a public hearing approve or disapprove the PUD rezoning and if approved, set a maximum land use density. The maximum land use density approved by the County Commissioners can only be retained through excellence of design.

(e) Phase II approval must be obtained within one year of Phase I approval or the PUD will be reviewed for possible rezoning.

(2) *Phase II - The Plan Development Phase.* The applicant will develop and submit to the Planning Commission a detailed plan for the entire project in accordance with Phase I approval. The Planning Commission will not accept a PUD Phase II plan unless the PUD is classified at least W-4, S-4 on the master water and sewer plan.

(a) The following submissions shall be made to the Commission's staff at least 60 days prior to the plan being considered by the Planning Commission.

1. Eight copies of a survey plat, showing the plan including:
  - a. The land use plan identifying the type, location, quantity, design, and density of land use and dwellings for specific sections of the project and the project in total; and
  - b. The street layout and design; and

c. The green space plan and planned sites for schools, recreational areas, community centers, libraries, firehalls and other public improvements necessary to total community living in a project of that size and nature.

2. Eight copies of a plan of water and sewer facilities noting the location and nature of major improvements, and water and sewer franchise data including how and when such facilities are to be provided; and

3. Eight copies of a plan for phasing the construction of the PUD project, showing geographical coverage of future plats and their approximate sequence of submission; and

(b) The Phase II plans will be scheduled for a Technical Advisory Committee meeting for review by agency representatives and representatives of the developer. It shall be the responsibility of the Planning Department to distribute the plans and information to other agencies, receive comments from those agencies and to notify the developer as to Technical Advisory Committee recommendations and the time, date and place of meetings and hearings regarding his development; and

(c) In its review, the Planning Commission is empowered to request any changes or additional information that it may deem necessary. The Planning Commission may attach conditions concurrent with approval of the PUD. Approval of the development plan is conditional upon retention of the PUD plan as approved upon transfers of the property.

(d) If preliminary plans of Phase III have not been submitted and approved within 3 years of approval of Phase II plans the Planning Commission shall review the PUD classification and may initiate a rezoning.

(3) *Phase III - The Execution Phase.* This guides the project through the customary subdivision regulation process. Before applying for Phase III the PUD shall be classified at least W-4, S-4 on the master water and sewer plan.

(a) Preliminary platting which complies with the county subdivision regulations is required in addition to submission of 5 copies of any covenants to be attached to the property and 5 copies of any homes association charter.

(b) In reviewing the plat and supplemental items noted in Phase III above, the Commission may require any changes or additions deemed necessary and it may consult with any agencies or persons having jurisdiction or interest in such matters.

(c) Final plats will be submitted as required by the county subdivision regulations, however, final plats except for single-family detached dwellings will not be approved before exterior architectural and landscaping plans have been reviewed and approved by the Commission.

**DIVISION 9. INSTITUTIONAL FLOATING ZONING DISTRICT (I)**

**§ 1-19-10.900. INSTITUTIONAL FLOATING ZONING DISTRICT (I).**

**(A) PURPOSE AND INTENT**

(1) THE INSTITUTIONAL DISTRICT IS A FLOATING ZONE ESTABLISHED TO PROVIDE FOR THE LOCATION AND DEVELOPMENT OF LARGE-SCALE PUBLIC AND PRIVATE INSTITUTIONAL USES INCLUDING PUBLIC AIRPORTS, PLACES OF ASSEMBLY/EVENT COMPLEX, ~~AND~~ COLLEGE OR UNIVERSITIES, **PRIVATE SCHOOLS, OR ELEMENTARY AND SECONDARY SCHOOLS** IN AREAS WITH AN AGRICULTURAL/RURAL OR INSTITUTIONAL COUNTYWIDE COMPREHENSIVE PLAN LAND USE DESIGNATION. INSTITUTIONAL USES FULFILL THE IMPORTANT FUNCTION OF PROVIDING FOR THE EDUCATIONAL, HEALTH, AND SOCIAL WELL-BEING OF RESIDENTS. HOWEVER, LARGE INSTITUTIONAL FACILITIES, BECAUSE OF THEIR SIZE, SCALE, AND INTENSITY, MAY CREATE ADVERSE IMPACTS ON SURROUNDING PROPERTIES AND NEIGHBORHOODS. THESE ADVERSE IMPACTS INCLUDE NOISE, SIGNIFICANT TRAFFIC VOLUMES, AND CONSUMPTION OF LARGE AREAS OF LAND FOR PARKING, INFRASTRUCTURE, AND RELATED FACILITIES. REVIEW AND SITING OF THESE FACILITIES THROUGH A FLOATING ZONE PROCESS WILL MAINTAIN THE PURPOSE OF THE AGRICULTURAL/RURAL AREAS IDENTIFIED BY THE COUNTYWIDE COMPREHENSIVE PLAN BY DIRECTING DEVELOPMENT TO AREAS CONTIGUOUS TO CONCENTRATIONS OF GROWTH RATHER THAN WHERE ONLY SERVICES INTENDED FOR RURAL AND AGRICULTURAL ACTIVITIES HAVE BEEN PROVIDED, WILL MITIGATE OR MINIMIZE IMPACTS TO SURROUNDING PROPERTIES AND MITIGATE OR AVOID TRAFFIC CONGESTION WHICH IMPROVES PEDESTRIAN AND ROADWAY SAFETY.

**(B) SIZE AND LOCATION**

(1) THE INSTITUTIONAL DISTRICT MAY BE ESTABLISHED WHERE:

(A) THE TRACT OF LAND RECEIVING THE INSTITUTIONAL DISTRICT HAS A COUNTYWIDE COMPREHENSIVE PLAN LAND USE DESIGNATION OF EITHER AGRICULTURAL/RURAL OR INSTITUTIONAL; AND

(B) THE TRACT OF LAND RECEIVING THE INSTITUTIONAL DISTRICT HAS FRONTAGE ON AND DIRECT ACCESS TO A ROADWAY WITH AT LEAST A COLLECTOR STATUS, AS DESIGNATED ON THE COUNTYWIDE COMPREHENSIVE PLAN, AND IS BUILT TO SAID CLASSIFICATION REQUIREMENTS; AND

(C) THE TRACT OF LAND RECEIVING THE INSTITUTIONAL DISTRICT IS WITHIN OR CONTIGUOUS TO A COMMUNITY GROWTH BOUNDARY AS DESIGNATED BY THE COUNTYWIDE COMPREHENSIVE PLAN. **FOR THE PURPOSES OF THIS SUBSECTION, A PROPERTY SEPARATED BY A TRANSPORTATION OR UTILITY RIGHT-OF-WAY (WHETHER FEE SIMPLE ESTATE OR LESSER INTEREST IN REALTY) IS DEEMED TO BE CONTIGUOUS ALONG THE LENGTH OF SUCH RIGHT-OF-WAY; OR**

(D) WHERE MULTIPLE CONTIGUOUS PARCELS OF LAND UNDER ONE OWNERSHIP CONSTITUTE A PROJECT, AT LEAST ONE PARCEL IS WITHIN OR CONTIGUOUS TO A COMMUNITY GROWTH BOUNDARY AS DESIGNATED ON THE COUNTYWIDE COMPREHENSIVE PLAN.

(2) THE TRACT OF LAND RECEIVING THE INSTITUTIONAL DISTRICT SHALL TOTAL NO MORE THAN 100 ACRES EXCEPT WHERE THE APPLICANT CAN DEMONSTRATE THE INCREASED SIZE IS REQUIRED TO MEET THE NEEDS OF THE PROPOSED DEVELOPMENT.

(C) APPROVAL CRITERIA

(1) APPROVAL OR DISAPPROVAL OF A REQUEST FOR THE APPLICATION OF THE INSTITUTIONAL ZONING DISTRICT SHALL BE DETERMINED THROUGH EVALUATION OF SEVERAL CRITERIA TO ESTABLISH WHETHER THE PROPOSED PROJECT MEETS THE PURPOSE AND INTENT OF THE ZONING DISTRICT. IN ADDITION TO THE REQUIREMENTS IN SECTION §1-19-3.110.3 (B) (1)-(6), THE PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS SHALL EVALUATE THE PROJECT ON THE FOLLOWING CRITERIA:

(A) THE PROJECT PROVIDES FACILITIES THAT ARE PLANNED AND LOCATED IN ACCORDANCE WITH THE FREDERICK COUNTY COMMUNITY DESIGN GUIDELINES AND DEVELOPMENT PRINCIPLES WHILE MAINTAINING THE PURPOSE AND INTENT OF THE AGRICULTURAL/RURAL OR INSTITUTIONAL LAND USE DESIGNATION;

(B) THE PROPOSED USE WILL BE COMPATIBLE WITH EXISTING OR ANTICIPATED SURROUNDING USES IN TERMS OF SIZE, BUILDING SCALE AND STYLE, INTENSITY, SETBACKS, AND LANDSCAPING, OR THE PROPOSAL PROVIDES FOR MITIGATION OF DIFFERENCES IN APPEARANCE OR SCALE THROUGH SUCH MEANS AS SETBACKS, SCREENING, LANDSCAPING OR OTHER DESIGN FEATURES. ANTICIPATED SURROUNDING USES SHALL BE DETERMINED BASED UPON EXISTING ZONING AND LAND USE DESIGNATIONS;

(C) THE PROJECT PROVIDES A SAFE AND EFFICIENT ARRANGEMENT OF LAND USE, BUILDINGS, TRAFFIC AND PEDESTRIAN CIRCULATION SYSTEMS, AND INFRASTRUCTURE;

(D) THE TRANSPORTATION SYSTEM IS ADEQUATE TO SERVE THE PROPOSED USE IN ADDITION TO EXISTING USES IN THE AREA. EVALUATION FACTORS INCLUDE ROADWAY CAPACITY AND LEVEL OF SERVICE, ON-STREET PARKING IMPACTS, ACCESS REQUIREMENTS, A TRAFFIC MANAGEMENT PLAN, NEIGHBORHOOD IMPACTS, AND PEDESTRIAN SAFETY;

(E) NATURAL FEATURES OF THE SITE HAVE BEEN ADEQUATELY CONSIDERED AND UTILIZED IN THE DESIGN OF THE PROJECT. EVALUATION FACTORS INCLUDE THE RELATIONSHIP OF EXISTING NATURAL FEATURES TO MAN-MADE FEATURES BOTH ON-SITE AND IN THE IMMEDIATE VICINITY;

(F) FIRE/RESCUE AND LAW ENFORCEMENT FACILITIES ARE ADEQUATE TO SERVE THE PROPOSED PROJECT WITHIN ESTABLISHED COUNTY STANDARDS.

(G) ~~DEVELOPMENT WITHIN THE INSTITUTIONAL ZONING DISTRICT SHALL BE SERVED BY PUBLIC WATER AND SEWER WHERE AVAILABLE.~~ IF THE TRACT OF LAND RECEIVING THE INSTITUTIONAL FLOATING ZONING DISTRICT IS DESIGNATED OTHER THAN NO PLANNED SERVICE (NPS) ON THE WATER AND SEWERAGE MASTER PLAN THEN THE PROJECT WILL BE DEVELOPED USING PUBLIC WATER AND SEWER. THOSE TRACTS OF LAND RECEIVING THE INSTITUTIONAL ZONING DISTRICT AND REFLECTING A DESIGNATION OF NPS SHALL UTILIZE METHODS OTHER THAN PUBLIC WATER AND SEWER AS APPROVED BY THE FREDERICK COUNTY HEALTH DEPARTMENT.

(H) ~~THE APPLICANT SHALL DEMONSTRATE THAT THE PROPOSED PROJECT WILL NOT ADVERSELY AFFECT THE QUANTITY OR QUALITY OF GROUNDWATER OR SURFACE WATERS OF PROPERTIES SURROUNDING THE PROPOSED PROJECT.~~ ENVIRONMENTAL, GEOLOGICAL, AND HYDROLOGICAL FEATURES OF THE SITE AND SURROUNDING AREA HAVE BEEN ADEQUATELY CONSIDERED IN THE DESIGN OF THE PROJECT.

(D) REVIEW AND APPROVAL PROCEDURES

(1) PHASE I JUSTIFICATION AND FLOATING ZONE RECLASSIFICATION. THE PROCEDURE FOR PHASE I APPROVAL WILL BE THE SAME AS FOR ZONING MAP AMENDMENTS AS ESTABLISHED IN SECTION §1-19-3.110.1 THROUGH 1-19-3.110.6.

(2) **PHASE II EXECUTION. THE PROCEDURE FOR PHASE II APPROVAL SHALL FOLLOW THE APPLICABLE SUBDIVISION OR SITE DEVELOPMENT PLAN APPROVAL PROCESS. PRIOR TO APPLYING FOR PHASE II WHERE PUBLIC WATER AND SEWER ARE AVAILABLE TO SERVE THE PROPOSED PROJECT, A CLASSIFICATION OF W-4, S-4 ON THE FREDERICK COUNTY WATER AND SEWER MASTER PLAN SHALL BE OBTAINED. SUBDIVISION SHALL OCCUR IN ACCORDANCE WITH COUNTY SUBDIVISION REGULATIONS. SITE DEVELOPMENT PLAN APPROVAL SHALL OCCUR IN ACCORDANCE WITH §1-19-2.160, 1-19-3.300 THROUGH 1-19-3.300.1.**

**(E) APPLICATION.**

(1) **THE APPLICATION SUBMITTED MUST INCLUDE 15 COPIES OF EACH OF THE FOLLOWING:**

(A) **A MAP OF THE APPLICANT'S ENTIRE HOLDING AT A CONVENIENT SCALE;**

(B) **A VICINITY MAP AT A SCALE OF 1 INCH EQUALS 2,000 FEET OR MORE TO THE INCH, INDICATING THE LOCATION OF THE PROPERTY WITH RESPECT TO SURROUNDING PROPERTY AND STREETS. THE MAP WILL SHOW ALL STREETS AND HIGHWAYS WITHIN 2,000 FEET OF THE APPLICANT'S PROPERTY;**

(C) **AN ENVIRONMENTAL FEATURES MAP OF THE PROPERTY SHOWING THE EXISTING SURFACE OF THE LAND AND THE LOCATION OF SOIL TYPES AND NATURAL FEATURES SUCH AS STREAMS, ROCK OUTCROPS AND WOODED AREAS, AT A MINIMUM OF 5 FOOT CONTOUR INTERVALS, UNLESS OTHERWISE SPECIFIED;**

(D) **A GENERALIZED OVERALL LAND USE PLAN AT 1" = 100 SCALE, SHOWING THE TYPE, LOCATION, ACREAGE AND DENSITY OF ALL PROPOSED LAND USES AS WELL AS THE GENERAL STREET LAYOUT AND CIRCULATION PATTERN;**

(E) **A CONCEPT PLAN AT 1" = 50 SCALE SHOWING THE LOCATION OF ALL PROPOSED LOT LINES; THE LOCATION, PROPOSED USE, SIZE AND HEIGHT OF ALL EXISTING AND PROPOSED BUILDINGS; THE LOCATION OF ALL ROADS, PARKING LOTS, TRUCK LOADING AREAS AND ACCESS AND EGRESS DRIVES; AND THE LOCATION AND TYPE OF ALL PUBLIC, RECREATIONAL OR CULTURAL FACILITIES AND AREAS;**

(F) **A PHASING SCHEDULE DESCRIBING THE TIMING AND SEQUENCE OF DEVELOPMENT;**

(G) **A TRAFFIC MANAGEMENT PLAN SHALL BE SUBMITTED AND APPROVED BY THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW DETAILING THE CONTROL AND FLOW OF VEHICLE TRAFFIC DURING EVENTS INCLUDING EMERGENCY ACCESS. THE PLAN SHALL ALSO DESCRIBE THE RESPONSIBLE PARTIES AND NECESSARY STEPS REQUIRED FOR SUCCESSFUL IMPLEMENTATION;**

(2) THE APPLICANT SHALL ALSO SUBMIT A JUSTIFICATION STATEMENT ADDRESSING EACH OF THE APPROVAL CRITERIA AS WELL AS THE FOLLOWING:

(A) RELATIONSHIP OF USES WITHIN THE PROJECT AND WITH EXISTING USES IN THE NEIGHBORHOOD;

(B) LONG-TERM IMPLICATIONS ON LOCAL DEVELOPMENT PATTERNS, FACILITIES AND SERVICES;

(C) THE TIMING OF THE CONSTRUCTION OF THE PROJECT AS IT RELATES TO THE PROVISION OF FACILITIES AND SERVICES;

(D) AVAILABILITY AND SUITABILITY OF PEDESTRIAN AND VEHICULAR ACCESS, AND TRANSPORTATION SYSTEMS;

(E) A STATEMENT IDENTIFYING ALL RELATED INCIDENTAL ACCESSORY USES AND ACTIVITIES ASSOCIATED WITH THE PRIMARY USE OF THE PROPERTY INCLUDING HOURS OF OPERATION, FREQUENCY OF ACTIVITY, AND AVERAGE NUMBER IN ATTENDANCE.

(3) THE BOARD OF COUNTY COMMISSIONERS MAY REQUIRE THAT ARCHITECTURAL RENDERINGS OF BUILDINGS, STREETSAPES OR PUBLIC AREAS BE PRESENTED TO ASSURE THAT THE APPEARANCE, SIZE AND TYPE OF BUILDING MATERIAL OR OTHER ASPECTS OF THE DESIGN ARE IN KEEPING WITH THE PURPOSES AND INTENT OF THE INSTITUTIONAL DISTRICT. THE BOARD OF COUNTY COMMISSIONERS MAY ADD CONDITIONS TO ITS APPROVAL OF THE INSTITUTIONAL PROJECT REQUIRING ARCHITECTURAL REVIEW.

(F) LAND USE

LAND USES PERMITTED WITHIN THE INSTITUTIONAL ZONING DISTRICT ARE LIMITED TO THE FOLLOWING:

(1) PUBLIC AIRPORTS

(2) PLACE OF ASSEMBLY/EVENT COMPLEX

(3) COLLEGE OR UNIVERSITY

(4) **PRIVATE SCHOOL**

(5) **ELEMENTARY OR SECONDARY SCHOOL**

(6) ACCESSORY USES SHALL BE LIMITED TO THOSE DEEMED TO BE INCIDENTAL ACCESSORY USES ASSOCIATED WITH AN INSTITUTIONAL USE AS PROVIDED WITHIN THIS CHAPTER (SEE ALSO §1-19-10.900(H)(1)(A) AND (B), AND ARTICLE VIII, DIVISION 2. ACCESSORY USES) OR AS APPROVED BY THE ZONING ADMINISTRATOR.

**(G) GENERAL DEVELOPMENT STANDARDS**

**(1) SETBACKS AND HEIGHT**

**(A) AT A MINIMUM SETBACKS AND HEIGHT LIMITATIONS SHALL BE AS PROVIDED FOR INSTITUTIONAL USES IN THE AGRICULTURAL DISTRICT IN SECTION §1-19-6.100 DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.**

**(B) ALONG COMMON PROPERTY LINES BETWEEN THE PROPOSED DEVELOPMENT AND AN AGRICULTURAL ACTIVITY THE SETBACK SHALL BE INCREASED TO 150 FEET TO INCLUDE A LANDSCAPED AREA AS SETFORTH IN §1-19-10.900 (G)(3)(C). IF THE PROPOSED DEVELOPMENT MEETS THE DEFINITION OF AGRICULTURAL ACTIVITY THEN THE INCREASED SETBACK IS NOT REQUIRED. THE PLANNING COMMISSION MAY APPROVE THE REUSE AND LOCATION OF DEVELOPMENT IN THE SETBACK AREA IF ALL IDENTIFIED ADJACENT AGRICULTURAL ACTIVITIES HAVE PERMANENTLY CEASED AS DETERMINED BY THE ZONING ADMINISTRATOR.**

**(C) ALONG COMMON PROPERTY LINES BETWEEN THE PROPOSED DEVELOPMENT AND A RESIDENTIAL USE THE SETBACK SHALL BE INCREASED TO 150 FEET.**

**(2) TRANSPORTATION**

**(A) PARKING SHALL NOT BE LOCATED WITHIN REQUIRED SETBACK AREAS, EXCEPT WHERE OTHERWISE PROVIDED WITHIN THIS SECTION.**

**(B) PARKING SHALL BE LIMITED TO THAT NUMBER OF SPACES REQUIRED BY ZONING ORDINANCE. AN INCREASE IN THE NUMBER OF PARKING SPACES MAY BE GRANTED BY THE PLANNING COMMISSION WHERE THE APPLICANT CAN DEMONSTRATE NEED BASED ON CHARACTERISTICS OF THE PROPOSED USE, HOURLY PARKING DEMAND STUDIES PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERING, OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION. PARKING APPROVED BEYOND THAT NUMBER REQUIRED BY ZONING ORDINANCE SHALL BE CONSTRUCTED OF PERVIOUS MATERIALS.**

**(C) PARKING AREAS REQUIRED BY ZONING ORDINANCE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:**



1. **PARKING AREAS SHALL BE SEPARATED INTO BAYS OF NOT MORE THAN 10 PARKING SPACES. BETWEEN OR AT THE END OF EACH PARKING BAY THERE SHALL BE PLANTERS OF AT LEAST 5 FEET IN WIDTH. EACH PLANTER SHALL CONTAIN 1 TREE AT LEAST 6 FEET IN HEIGHT AT THE TIME OF PLANTING AND GROUND COVER CONTAINING AT LEAST TWO SHRUBS FOR EVERY 100 SQUARE FEET OF LANDSCAPE AREA. TREES WITHIN PARKING AREA PLANTERS SHALL BE DECIDUOUS AND PROVIDE AT LEAST 20% CANOPY COVER AT MATURITY. THE PLANNING COMMISSION MAY APPROVE MODIFICATIONS TO THESE STANDARDS TO ACCOMMODATE PARKING AREA DESIGN REQUIREMENTS ASSOCIATED WITH ENVIRONMENTAL SITE DESIGN TECHNIQUES.**

(D) **ENVIRONMENTAL SITE DESIGN TECHNIQUES SUCH AS BIORETENTION SHALL BE UTILIZED AS THE INITIAL OPTION FOR STORMWATER COLLECTION OF ALL PAVED PARKING AREAS.**

(3) **GREEN AREA**

(A) **ALL SETBACK AREAS, EXCEPT WHERE OTHERWISE PERMITTED IN THIS SECTION, SHALL BE LANDSCAPED AND MAINTAINED AS GREEN SPACE.**

(B) **LANDSCAPING SHALL BE MAINTAINED IN A HEALTHY CONDITION.**

(C) **AN INCREASED SETBACK SHALL BE CREATED TO REDUCE CONFLICTS BETWEEN AGRICULTURAL AND NON-AGRICULTURAL USES. THE SETBACK AREA SHALL BE MAINTAINED WITH NATURAL VEGETATION OR PLANTED TO EMPHASIZE NATIVE SPECIES RATHER THAN TURF GRASS, CREATING A VEGETATIVE SCREEN WITH THE FOLLOWING MINIMUM STANDARDS:**

1. **TWO STAGGERED ROWS OF NON-INVASIVE SPECIES OF TREES AND SHRUBS CONTAINING PREDOMINANTLY EVERGREEN FOLIAGE;**

2. **TREES SHALL BE A MINIMUM OF 6 FEET IN HEIGHT AT THE TIME OF INSTALLATION;**

3. **IN ADDITION TO THE REQUIRED PLANT MATERIALS THE SETBACK AREA MAY CONTAIN FLOODPLAIN, STREAM SETBACKS, UTILITIES, AND ENVIRONMENTAL SITE DESIGN TECHNIQUES TO ADDRESS STORMWATER MANAGEMENT. AS OTHERWISE PERMITTED BY THIS CHAPTER, UNPAVED PARKING AND PASSIVE RECREATION AREAS MAY BE LOCATED WITHIN THE BUFFER AREA HOWEVER A MINIMUM SETBACK AS PROVIDED FOR INSTITUTIONAL USES IN THE AGRICULTURAL DISTRICT IN SECTION 1-19-6.100 SHALL BE MAINTAINED. WHERE THE SETBACK AREA IS UTILIZED TO MEET FOREST RESOURCE ORDINANCE REQUIREMENTS A DUPLICATION OF PLANT MATERIALS IS NOT REQUIRED.**

(4) **LIGHTING SHALL BE DESIGNED AND DIRECTED AWAY FROM ADJOINING PROPERTIES SO AS NOT TO CAUSE GLARE OR ADVERSE IMPACTS.**

**(5) NATURAL FEATURES**

**INSOFAR AS PRACTICAL, THE LANDSCAPE SHALL BE PRESERVED IN ITS NATURAL STATE BY:**

- (A) MINIMIZING TREE AND SOIL REMOVAL OR DISTURBANCE;**
- (B) SITING BUILDINGS TO PROTECT AND ENHANCE THE RELATIONSHIP BETWEEN BUILDINGS AND THE NATURAL TERRAIN;**
- (C) RETAINING EXISTING TREE LINES, FOREST BUFFERS, AND ROCK FORMATIONS REDUCING VISUAL IMPACTS OF DEVELOPMENT ON SURROUNDING PROPERTIES AND RIGHTS-OF-WAY.**

**(H) SPECIFIC DEVELOPMENT STANDARDS**

**(1) COLLEGE OR UNIVERSITY**

**(A) A COLLEGE OR UNIVERSITY MAY INCLUDE RELATED INCIDENTAL ACCESSORY USES NECESSARY FOR THE OPERATION OF THE FACILITY OR THE BENEFIT OR CONVENIENCE OF THE RESIDENTS OR GUESTS INCLUDING BUT NOT LIMITED TO: ADMINISTRATIVE FACILITIES, HOUSING, ATHLETIC TRAINING FACILITIES, RECREATIONAL FACILITIES, SUPPORT SERVICES (BOOKSTORE, DINING HALLS, POST OFFICE, MAINTENANCE AND STORAGE FACILITIES), PLACES OF WORSHIP, CEMETERY, AND RELATED UTILITIES.**

**(B) AT THE TIME OF PHASE I APPROVAL ADDITIONAL USES MAY BE IDENTIFIED AND APPROVED BASED ON THEIR DIRECT RELATIONSHIP TO PRIMARY COLLEGE OR UNIVERSITY ACTIVITIES EXISTING, OR PLANNED AS PART OF THE CURRENT APPLICATION. THESE USES INCLUDE: CONFERENCE CENTER (MEETING ROOMS/GUEST ACCOMMODATIONS), RETAIL ESTABLISHMENT, CHILD CARE CENTER, EMPLOYMENT CENTER, AND RETIREMENT HOUSING. THESE USES AND RELATED FACILITIES SHALL BE OWNED AND OPERATED BY THE COLLEGE/UNIVERSITY AND FUNCTION FOR THE USE AND BENEFIT OF STUDENTS, FACULTY, ADMINISTRATION AND ALUMNI(AE).**

**DIVISION 10. OPEN SPACE RECREATION FLOATING ZONING DISTRICT (OSR)**

**§ 1-19-10.1000. OPEN SPACE RECREATION FLOATING ZONING DISTRICT (OSR).**

**(A) PURPOSE AND INTENT**

**(1) THE OPEN SPACE RECREATION DISTRICT IS A FLOATING ZONE ESTABLISHED TO PROVIDE FOR THE LOCATION AND DEVELOPMENT OF LARGE-SCALE RECREATIONAL USES INCLUDING RECREATIONAL VEHICLE CAMPGROUNDS, GOLF COURSES, OUTDOOR RECREATION CENTERS, OUTDOOR SPORTS RECREATION FACILITIES, ZOO/BOTANICAL GARDEN/ARBORETUMS, AND FAIRGROUNDS IN AREAS WITH AN AGRICULTURAL/RURAL COUNTYWIDE COMPREHENSIVE PLAN LAND USE DESIGNATION. THESE TYPES OF DEVELOPMENT PROVIDE FOR ACTIVE AND/OR PASSIVE RECREATION ADDING TO THE OPPORTUNITIES FOR OUTDOOR EXERCISE, APPRECIATION OF SCENIC AREAS, AND ENJOYMENT AND ACCESS TO OPEN SPACE. AS NATURAL RESOURCE DEPENDENT USES, LARGE RECREATIONAL DEVELOPMENTS CAN CONSUME LARGE AREAS OF LAND FOR PARKING, INFRASTRUCTURE, AND RELATED FACILITIES LEADING TO ADVERSE IMPACTS ON SURROUNDING PROPERTIES AND NEIGHBORHOODS. REVIEW AND SITING OF THESE FACILITIES THROUGH A FLOATING ZONE PROCESS WILL ENABLE THE LOCATION OF THESE FACILITIES TO AREAS CONTIGUOUS TO A COMMUNITY GROWTH BOUNDARY TO PROVIDE A TRANSITION BETWEEN GROWTH AREAS AND EXISTING AGRICULTURAL USES, TO MITIGATE OR MINIMIZE IMPACTS TO SURROUNDING PROPERTIES, MITIGATE OR AVOID TRAFFIC CONGESTION WHICH IMPROVES PEDESTRIAN AND ROADWAY SAFETY, AND TO MAINTAIN THE PURPOSE OF THE AGRICULTURAL/RURAL AREAS IDENTIFIED BY THE COUNTYWIDE COMPREHENSIVE PLAN.**

**(B) SIZE AND LOCATION**

**(1) THE OPEN SPACE RECREATION DISTRICT MAY BE ESTABLISHED WHERE:**

**(A) THE TRACT OF LAND RECEIVING THE OPEN SPACE RECREATION DISTRICT HAS A COUNTYWIDE COMPREHENSIVE PLAN LAND USE DESIGNATION OF AGRICULTURAL/RURAL; AND**

**(B) THE TRACT OF LAND RECEIVING THE OPEN SPACE RECREATION DISTRICT HAS FRONTAGE ON AND DIRECT ACCESS TO A ROADWAY WITH AT LEAST A COLLECTOR STATUS, AS DESIGNATED BY THE COUNTYWIDE COMPREHENSIVE PLAN, AND IS BUILT TO SAID CLASSIFICATION REQUIREMENTS; AND**

(C) THE TRACT OF LAND RECEIVING THE OPEN SPACE RECREATION DISTRICT IS WITHIN OR CONTIGUOUS TO A COMMUNITY GROWTH BOUNDARY AS DESIGNATED ON THE COUNTYWIDE COMPREHENSIVE PLAN. **FOR THE PURPOSES OF THIS SUBSECTION, A PROPERTY SEPARATED BY A TRANSPORTATION OR UTILITY RIGHT-OF-WAY (WHETHER FEE SIMPLE ESTATE OR LESSER INTEREST IN REALTY) IS DEEMED TO BE CONTIGUOUS ALONG THE LENGTH OF SUCH RIGHT-OF-WAY; OR**

(D) WHERE MULTIPLE CONTIGUOUS PARCELS OF LAND UNDER ONE OWNERSHIP CONSTITUTE A PROJECT, AT LEAST ONE PARCEL IS WITHIN OR CONTIGUOUS TO A COMMUNITY GROWTH BOUNDARY AS DESIGNATED ON THE COUNTYWIDE COMPREHENSIVE PLAN.

(2) THE TRACT OF LAND RECEIVING THE OPEN SPACE RECREATION DISTRICT SHALL HAVE A MINIMUM PARCEL SIZE OF: 25 ACRES FOR AN OUTDOOR SPORTS RECREATION FACILITY, A MINIMUM OF 10 ACRES FOR AN OUTDOOR RECREATION CENTER, A MINIMUM OF 10 ACRES FOR A RECREATIONAL VEHICLE CAMPGROUND, AND A MINIMUM OF 25 ACRES AND A MAXIMUM OF 100 ACRES FOR FAIRGROUNDS EXCEPT WHERE THE APPLICANT CAN DEMONSTRATE THE INCREASED SIZE IS REQUIRED TO MEET THE NEEDS OF THE PROPOSED DEVELOPMENT.

(C) APPROVAL CRITERIA

(1) APPROVAL OR DISAPPROVAL OF A REQUEST FOR THE APPLICATION OF THE OPEN SPACE RECREATION ZONING DISTRICT SHALL BE DETERMINED THROUGH EVALUATION OF SEVERAL CRITERIA TO ESTABLISH WHETHER THE PROPOSED PROJECT MEETS THE PURPOSE AND INTENT OF THE ZONING DISTRICT. IN ADDITION TO THE REQUIREMENTS IN SECTION §1-19-3.110.3 (B) (1)-(6), THE PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS SHALL EVALUATE THE PROJECT ON THE FOLLOWING CRITERIA:

(A) THE PROJECT PROVIDES FACILITIES THAT ARE PLANNED AND LOCATED IN ACCORDANCE WITH THE FREDERICK COUNTY COMMUNITY DESIGN GUIDELINES AND DEVELOPMENT PRINCIPLES WHILE MAINTAINING THE PURPOSE AND INTENT OF THE AGRICULTURAL/RURAL OR INSTITUTIONAL LAND USE DESIGNATION;

(B) THE PROPOSED USE WILL BE COMPATIBLE WITH EXISTING OR ANTICIPATED SURROUNDING USES IN TERMS OF SIZE, BUILDING SCALE AND STYLE, INTENSITY, SETBACKS, AND LANDSCAPING OR THE PROPOSAL PROVIDES FOR MITIGATION OF DIFFERENCES IN APPEARANCE OR SCALE THROUGH SUCH MEANS AS SETBACKS, SCREENING, LANDSCAPING OR OTHER DESIGN FEATURES. ANTICIPATED SURROUNDING USES SHALL BE DETERMINED BASED UPON EXISTING ZONING AND LAND USE DESIGNATIONS;

C) THE PROJECT PROVIDES A SAFE AND EFFICIENT ARRANGEMENT OF LAND USE, BUILDINGS, TRAFFIC AND PEDESTRIAN CIRCULATION SYSTEMS, AND INFRASTRUCTURE;

(D) THE TRANSPORTATION SYSTEM IS ADEQUATE TO SERVE THE PROPOSED USE IN ADDITION TO EXISTING USES IN THE AREA. EVALUATION FACTORS INCLUDE ROADWAY CAPACITY AND LEVEL OF SERVICE, ON-STREET PARKING IMPACTS, ACCESS REQUIREMENTS, NEIGHBORHOOD IMPACTS, AND PEDESTRIAN SAFETY;

(E) NATURAL FEATURES OF THE SITE HAVE BEEN ADEQUATELY CONSIDERED AND UTILIZED IN THE DESIGN OF THE PROJECT. EVALUATION FACTORS INCLUDE THE RELATIONSHIP OF EXISTING NATURAL FEATURES TO MAN-MADE FEATURES BOTH ON-SITE AND IN THE IMMEDIATE VICINITY;

(F) FIRE/RESCUE, AND LAW ENFORCEMENT FACILITIES ARE ADEQUATE TO SERVE THE PROPOSED PROJECT WITHIN ESTABLISHED COUNTY STANDARDS.

(G) ~~DEVELOPMENT WITHIN THE INSTITUTIONAL ZONING DISTRICT SHALL BE SERVED BY PUBLIC WATER AND SEWER WHERE AVAILABLE.~~ IF THE TRACT OF LAND RECEIVING THE INSTITUTIONAL FLOATING ZONING DISTRICT IS DESIGNATED OTHER THAN NO PLANNED SERVICE (NPS) ON THE WATER AND SEWERAGE MASTER PLAN THEN THE PROJECT WILL BE DEVELOPED USING PUBLIC WATER AND SEWER. THOSE TRACTS OF LAND RECEIVING THE INSTITUTIONAL ZONING DISTRICT AND REFLECTING A DESIGNATION OF NPS SHALL UTILIZE METHODS OTHER THAN PUBLIC WATER AND SEWER AS APPROVED BY THE FREDERICK COUNTY HEALTH DEPARTMENT.

(H) ~~THE APPLICANT SHALL DEMONSTRATE THAT THE PROPOSED PROJECT WILL NOT ADVERSELY AFFECT THE QUANTITY OR QUALITY OF GROUNDWATER OR SURFACE WATERS OF PROPERTIES SURROUNDING THE PROPOSED PROJECT. ENVIRONMENTAL, GEOLOGICAL, AND HYDROLOGICAL FEATURES OF THE SITE AND SURROUNDING AREA HAVE BEEN ADEQUATELY CONSIDERED IN THE DESIGN OF THE PROJECT.~~

(D) REVIEW AND APPROVAL PROCEDURES

(1) PHASE I JUSTIFICATION AND FLOATING ZONE RECLASSIFICATION. THE PROCEDURE FOR PHASE I APPROVAL WILL BE THE SAME AS FOR ZONING MAP AMENDMENTS AS ESTABLISHED IN SECTION §1-19-3.110.1 THROUGH 1-19-3.110.6.

(2) **PHASE II EXECUTION. THE PROCEDURE FOR PHASE II APPROVAL SHALL FOLLOW THE APPLICABLE SUBDIVISION OR SITE DEVELOPMENT PLAN APPROVAL PROCESS. PRIOR TO APPLYING FOR PHASE II WHERE PUBLIC WATER AND SEWER ARE AVAILABLE TO SERVE THE PROPOSED PROJECT, A CLASSIFICATION OF W-4, S-4 ON THE FREDERICK COUNTY WATER AND SEWER MASTER PLAN SHALL BE OBTAINED. SUBDIVISION SHALL OCCUR IN ACCORDANCE WITH COUNTY SUBDIVISION REGULATIONS. SITE DEVELOPMENT PLAN APPROVAL SHALL OCCUR IN ACCORDANCE WITH §1-19-2.160, 1-19-3.300 THROUGH 1-19-3.300.1 OF THIS CHAPTER.**

**(E) APPLICATION**

(1) **THE APPLICATION SUBMITTED MUST INCLUDE 15 COPIES OF EACH OF THE FOLLOWING:**

(A) **A MAP OF THE APPLICANT'S ENTIRE HOLDING AT A CONVENIENT SCALE.**

(B) **A VICINITY MAP AT A SCALE OF 1 INCH EQUALS 2,000 FEET OR MORE TO THE INCH, INDICATING THE LOCATION OF THE PROPERTY WITH RESPECT TO SURROUNDING PROPERTY AND STREETS. THE MAP WILL SHOW ALL STREETS AND HIGHWAYS WITHIN 2,000 FEET OF THE APPLICANT'S PROPERTY.**

(C) **AN ENVIRONMENTAL FEATURES MAP OF THE PROPERTY SHOWING THE EXISTING SURFACE OF THE LAND AND THE LOCATION OF SOIL TYPES AND NATURAL FEATURES SUCH AS STREAMS, ROCK OUTCROPS AND WOODED AREAS, AT A MINIMUM OF 5 FOOT CONTOUR INTERVALS, UNLESS OTHERWISE SPECIFIED.**

(D) **A GENERALIZED OVERALL LAND USE PLAN AT 1" = 100 SCALE, SHOWING THE TYPE, LOCATION, ACREAGE AND DENSITY OF ALL PROPOSED LAND USES AS WELL AS THE GENERAL STREET LAYOUT AND CIRCULATION PATTERN.**

(E) **A CONCEPT PLAN AT 1" = 50 SCALE SHOWING THE LOCATION OF ALL PROPOSED LOT LINES; THE LOCATION, PROPOSED USE, SIZE AND HEIGHT OF ALL EXISTING AND PROPOSED BUILDINGS; THE LOCATION OF ALL ROADS, PARKING LOTS, TRUCK LOADING AREAS AND ACCESS AND EGRESS DRIVES; AND THE LOCATION AND TYPE OF ALL PUBLIC, RECREATIONAL OR CULTURAL FACILITIES AND AREAS.**

(F) **A PHASING SCHEDULE DESCRIBING THE TIMING AND SEQUENCE OF DEVELOPMENT.**

(G) **LANDSCAPE PLANS SUBMITTED BY THE APPLICANT SHALL INCLUDE A NUTRIENT MANAGEMENT PLAN ADDRESSING NOT ONLY TURF AREAS BUT TREE, SHRUB, AND FLOWER BEDS. THE PLAN SHALL BE PREPARED BY A CERTIFIED NUTRIENT MANAGEMENT CONSULTANT AND FOLLOW THE BEST MANAGEMENT PRACTICES AS OUTLINED BY THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION RECOMMENDATIONS.**

(2) **THE APPLICANT SHALL SUBMIT A JUSTIFICATION STATEMENT ADDRESSING EACH OF THE APPROVAL CRITERIA AS WELL AS THE FOLLOWING:**

(A) **RELATIONSHIP OF USES WITHIN THE PROJECT AND WITH EXISTING USES IN THE NEIGHBORHOOD;**

(B) **LONG-TERM IMPLICATIONS ON LOCAL DEVELOPMENT PATTERNS, FACILITIES AND SERVICES;**

(C) **THE TIMING OF THE CONSTRUCTION OF THE PROJECT AS IT RELATES TO THE PROVISION OF FACILITIES AND SERVICES;**

(D) **AVAILABILITY AND SUITABILITY OF PEDESTRIAN AND VEHICULAR ACCESS, AND TRANSPORTATION SYSTEMS;**

(E) **A STATEMENT IDENTIFYING ALL INCIDENTAL ACCESSORY USES AND ACTIVITIES ASSOCIATED WITH THE PRIMARY USE OF THE PROPERTY INCLUDING HOURS OF OPERATION, FREQUENCY OF ACTIVITY, AND AVERAGE NUMBER IN ATTENDANCE.**

(3) **THE BOARD OF COUNTY COMMISSIONERS MAY REQUIRE THAT ARCHITECTURAL RENDERINGS OF BUILDINGS, STREETSCAPES OR PUBLIC AREAS BE PRESENTED TO ASSURE THAT THE APPEARANCE, SIZE AND TYPE OF BUILDING MATERIAL OR OTHER ASPECTS OF THE DESIGN ARE IN KEEPING WITH THE PURPOSES AND INTENT OF THE OPEN SPACE RECREATION DISTRICT. THE BOARD OF COUNTY COMMISSIONERS MAY ADD CONDITIONS TO ITS APPROVAL OF THE OPEN SPACE RECREATION PROJECT REQUIRING ARCHITECTURAL REVIEW.**

(F) **LAND USE**

**LAND USES PERMITTED WITHIN THE OPEN SPACE RECREATION ZONING DISTRICT ARE LIMITED TO THE FOLLOWING:**

(1) **RECREATIONAL VEHICLE CAMPGROUND**

(2) **GOLF COURSE**

(3) **OUTDOOR RECREATION CENTER WHERE EITHER A GOLF DRIVING RANGE OR CHIP AND PUTT, ARE LOCATED TOGETHER WITH EITHER A MINIATURE GOLF, A BATTING CAGE/RANGE, A PUTTING GREEN OR A COMBINATION THEREOF.**

(4) **ZOO/BOTANICAL GARDEN/ARBORETUM**

(5) FAIRGROUND

(6) OUTDOOR SPORTS RECREATION FACILITY

(7) ACCESSORY USES SHALL BE LIMITED TO THOSE DEEMED TO BE INCIDENTAL ACCESSORY USES TO AN OPEN SPACE RECREATION USE AS PROVIDED WITHIN THIS CHAPTER (SEE ARTICLE VIII, DIVISION 2. ACCESSORY USES) OR AS SPECIFICALLY APPROVED BY THE ZONING ADMINISTRATOR.

(G) GENERAL DEVELOPMENT STANDARDS

(1) SETBACKS AND HEIGHT

(A) AT A MINIMUM SETBACKS AND HEIGHT LIMITATIONS SHALL BE AS PROVIDED FOR NATURAL RESOURCE USES IN THE AGRICULTURAL DISTRICT IN SECTION §1-19-6.100 DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

(B) ALONG COMMON PROPERTY LINES BETWEEN THE PROPOSED DEVELOPMENT AND AN AGRICULTURAL ACTIVITY THE SETBACK SHALL BE INCREASED TO 150 FEET TO INCLUDE A LANDSCAPED AREA AS SETFORTH IN §1-19-10.1000 (G)(3)(C). IF THE PROPOSED DEVELOPMENT MEETS THE DEFINITION OF AGRICULTURAL ACTIVITY THEN THE INCREASED SETBACK IS NOT REQUIRED. THE PLANNING COMMISSION MAY APPROVE THE REUSE AND LOCATION OF DEVELOPMENT IN THE SETBACK AREA IF ALL IDENTIFIED ADJACENT AGRICULTURAL ACTIVITIES HAVE PERMANENTLY CEASED AS DETERMINED BY THE ZONING ADMINISTRATOR.

(C) ALONG COMMON PROPERTY LINES BETWEEN THE PROPOSED DEVELOPMENT AND A RESIDENTIAL USE THE SETBACK SHALL BE INCREASED TO 150 FEET.

(2) TRANSPORTATION

(A) PARKING SHALL NOT BE LOCATED WITHIN REQUIRED SETBACK AREAS, EXCEPT WHERE OTHERWISE PROVIDED WITHIN THIS SECTION.

(B) PARKING SHALL BE LIMITED TO THAT NUMBER OF SPACES REQUIRED BY ZONING ORDINANCE. AN INCREASE IN THE NUMBER OF PARKING SPACES MAY BE GRANTED BY THE PLANNING COMMISSION WHERE THE APPLICANT CAN DEMONSTRATE NEED BASED ON CHARACTERISTICS OF THE PROPOSED USE, HOURLY PARKING DEMAND STUDIES PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERING, OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION. PARKING APPROVED BEYOND THAT NUMBER REQUIRED BY ZONING ORDINANCE SHALL BE CONSTRUCTED OF PERVIOUS MATERIALS.

(C) PARKING AREAS REQUIRED BY ZONING ORDINANCE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:



1. **PARKING AREAS SHALL BE SEPARATED INTO BAYS OF NOT MORE THAN 10 PARKING SPACES. BETWEEN OR AT THE END OF EACH PARKING BAY THERE SHALL BE PLANTERS OF AT LEAST 5 FEET IN WIDTH. EACH PLANTER SHALL CONTAIN 1 TREE AT LEAST 6 FEET IN HEIGHT AT THE TIME OF PLANTING AND GROUND COVER CONTAINING AT LEAST TWO SHRUBS FOR EVERY 100 SQUARE FEET OF LANDSCAPE AREA. TREES WITHIN PARKING AREA PLANTERS SHALL BE DECIDUOUS AND PROVIDE AT LEAST 20% CANOPY COVER AT MATURITY. THE PLANNING COMMISSION MAY APPROVE MODIFICATIONS TO THESE STANDARDS TO ACCOMMODATE PARKING AREA DESIGN REQUIREMENTS ASSOCIATED WITH A FAIRGROUND, RECREATIONAL VEHICLE CAMPGROUND, OR ENVIRONMENTAL SITE DESIGN TECHNIQUES.**

**(D) ENVIRONMENTAL SITE DESIGN TECHNIQUES SUCH AS BIORETENTION SHALL BE UTILIZED AS THE INITIAL OPTION FOR STORMWATER COLLECTION OF ALL PAVED PARKING AREAS.**

**(3) GREEN AREA**

**(A) ALL SETBACK AREAS, EXCEPT WHERE OTHERWISE PERMITTED IN THIS SECTION, SHALL BE LANDSCAPED AND MAINTAINED AS GREEN SPACE.**

**(B) LANDSCAPING SHALL BE MAINTAINED IN A HEALTHY CONDITION.**

**(C) AN INCREASED SETBACK SHALL BE CREATED TO REDUCE CONFLICTS BETWEEN AGRICULTURAL AND NON-AGRICULTURAL USES. THE SETBACK AREA SHALL BE MAINTAINED WITH NATURAL VEGETATION OR PLANTED TO EMPHASIZE NATIVE SPECIES RATHER THAN TURF GRASS, CREATING A VEGETATIVE SCREEN WITH THE FOLLOWING MINIMUM STANDARDS:**

**1. TWO STAGGERED ROWS OF NON-INVASIVE SPECIES OF TREES AND SHRUBS CONTAINING PREDOMINANTLY EVERGREEN FOLIAGE;**

**2. TREES SHALL BE A MINIMUM OF 6 FEET IN HEIGHT AT THE TIME OF INSTALLATION;**

**3. IN ADDITION TO THE REQUIRED PLANT MATERIALS THE SETBACK AREA MAY CONTAIN FLOODPLAIN, STREAM SETBACKS, UTILITIES, AND ENVIRONMENTAL SITE DESIGN TECHNIQUES TO ADDRESS STORMWATER MANAGEMENT. AS OTHERWISE PERMITTED BY THIS CHAPTER, UNPAVED PARKING AND PASSIVE RECREATION AREAS MAY BE LOCATED WITHIN THE BUFFER AREA HOWEVER A MINIMUM SETBACK AS PROVIDED FOR NATURAL RESOURCE USES IN THE AGRICULTURAL DISTRICT IN SECTION 1-19-6.100 SHALL BE MAINTAINED. WHERE THE SETBACK AREA IS UTILIZED TO MEET FOREST RESOURCE ORDINANCE REQUIREMENTS A DUPLICATION OF PLANT MATERIALS IS NOT REQUIRED.**

(4) LIGHTING SHALL BE DESIGNED AND DIRECTED AWAY FROM ADJOINING PROPERTIES SO AS NOT TO CAUSE GLARE OR ADVERSE IMPACTS.

(5) NATURAL FEATURES

INSOFAR AS PRACTICAL, THE LANDSCAPE SHALL BE PRESERVED IN ITS NATURAL STATE BY:

(A) MINIMIZING TREE AND SOIL REMOVAL OR DISTURBANCE;

(B) SITING BUILDINGS TO PROTECT AND ENHANCE THE RELATIONSHIP BETWEEN BUILDINGS AND THE NATURAL TERRAIN;

(C) RETAINING EXISTING TREE LINES, FOREST BUFFERS, AND ROCK FORMATIONS REDUCING VISUAL IMPACTS OF DEVELOPMENT ON SURROUNDING PROPERTIES AND RIGHTS-OF-WAY.

(H) SPECIFIC DEVELOPMENT STANDARDS

(1) FAIRGROUND

(A) MULTIPLE VEHICULAR ENTRANCES AND EXITS SHALL BE PROVIDED, AND LOCATED AT LEAST FOUR HUNDRED FEET AWAY FROM ANY ROAD INTERSECTION;

(B) A TRAFFIC MANAGEMENT PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW DETAILING THE CONTROL AND FLOW OF VEHICLE TRAFFIC DURING EVENTS, INCLUDING EMERGENCY ACCESS. THE PLAN SHALL ALSO DESCRIBE THE RESPONSIBLE PARTIES AND NECESSARY STEPS REQUIRED FOR SUCCESSFUL IMPLEMENTATION;

(C) SUCH USE SHALL OPERATE FOR A PERIOD OF TIME NOT TO EXCEED 16 DAYS PER EVENT;

(D) LANDSCAPING AND SCREENING SHALL BE PROVIDED WITH THE INTENT OF REDUCING THE IMPACT ON NEIGHBORING PROPERTIES AND ENHANCING THE VISUAL APPEAL OF THE PROJECT. ALL PARKING AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES AND ROADS WITH PLANTINGS INCLUDING EVERGREENS AT LEAST 6 FEET IN HEIGHT.

(2) RECREATIONAL VEHICLE CAMPGROUND

(A) BOTH TENT AND RECREATION VEHICLES CAN BE ACCOMMODATED WITHIN A RECREATIONAL VEHICLE CAMPGROUND, BUT THE CAMPGROUND SHALL BE DESIGNED TO CONTAIN A MAJORITY OF RECREATIONAL VEHICLES.

(B) EACH CAMPGROUND WILL CONTAIN INDIVIDUAL SITE ELECTRICAL AND WATER OUTLETS, TOILET AND SHOWER FACILITIES, AND SANITARY FACILITIES AS REQUIRED BY THE FREDERICK COUNTY HEALTH DEPARTMENT.

(C) ACCESSORY COMMERCIAL AND RECREATIONAL SERVICES, IF EXCLUSIVELY USED FOR RESIDENTS OF THE CAMPGROUND ARE PERMITTED. THIS MAY INCLUDE COIN-OPERATED LAUNDRY, GROCERY, SWIMMING POOL, OR ENTERTAINMENT AS APPROVED BY THE ZONING ADMINISTRATOR.

(D) MAXIMUM DENSITY PERMITTED IS 15 CAMPSITES PER ACRE AND A MINIMUM OF 3,000 SQUARE FEET PER CAMPSITE. ALL CAMPSITES WILL BE AT LEAST 50 FEET FROM THE PROPERTY LINE.

(E) THE ONLY PERMITTED PERMANENT RESIDENTIAL OCCUPANCY WILL BE FOR THE RESIDENT OWNER OR MANAGER.

(F) ONE ACRE FOR EVERY 10 ACRES OF THE SITE AREA WILL BE USED FOR RECREATION SPACE. THIS WILL NOT INCLUDE THE AREA WITHIN REQUIRED SETBACKS.

(G) THE MINIMUM DISTANCE BETWEEN CAMPSITES WILL BE 20 FEET.

(H) ALL UTILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC AND TELEPHONE LINES, SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH RULES AND PROCEDURES ESTABLISHED BY THE MARYLAND PUBLIC SERVICE COMMISSION.

## ARTICLE XI: DEFINITIONS

### §1-19-11.100. DEFINITIONS.

**ACCESSORY APARTMENT.** AN INDEPENDENT, SELF-CONTAINED DWELLING UNIT WITHIN A SINGLE-FAMILY DWELLING, OR WITHIN AN ACCESSORY STRUCTURE LOCATED ON THE SAME LOT AS A SINGLE-FAMILY DWELLING. (SEE ALSO *CARETAKER APARTMENT*)

**ACRE.** A MEASURE OF LAND CONTAINING 43,560 SQUARE FEET.

**AGRICULTURAL ACTIVITY.** LAND USED EXCLUSIVELY AS A BONA FIDE AGRICULTURAL OPERATION BY THE OWNER OR TENANT. THE USE OF LAND FOR AGRICULTURAL PURPOSES INCLUDING FARMING, VITICULTURE (**GRAPE PRODUCTION**), FISH CULTURE, ANIMAL AND POULTRY HUSBANDRY, AND THE NECESSARY ACCESSORY USES **SUCH AS FOR PACKING, TREATING, OR STORING THE OF PRODUCE, COMPOSTING AND POWER GENERATION FROM FARM ANIMAL WASTE**; PROVIDED THAT THE OPERATION OF THE ACCESSORY USE IS CLEARLY INCIDENTAL TO THE AGRICULTURAL ACTIVITY. THE BUSINESS OF **INTENSIVE SWINE FEEDING OPERATIONS**, GARBAGE FEEDING OF HOGS, FUR FARMS, OR THE RAISING OF ANIMALS FOR USE IN MEDICAL OR OTHER TESTS OR EXPERIMENTS, COMMERCIAL SLAUGHTERING OF LIVESTOCK, POULTRY, FISH, OR MEAT PROCESSING IS EXCLUDED **FROM THIS DEFINITION**.

**AGRICULTURAL PRODUCTS PROCESSING.** PROCESSING ON THE FARM OF AN AGRICULTURAL PRODUCT IN THE COURSE OF PREPARING IT FOR MARKET. (THIS DEFINITION EXCLUDES AGRICULTURAL VALUE ADDED PROCESSING AND FARM WINERY).

**AGRITOURISM ENTERPRISE.** ACTIVITIES CONDUCTED ON A FARM AND OFFERED TO THE PUBLIC OR TO INVITED GROUPS FOR THE PURPOSE OF EDUCATION, RECREATION, OR ACTIVE INVOLVEMENT IN THE FARM OPERATION. THESE ACTIVITIES SHALL BE RELATED TO AGRICULTURE AND SHALL BE ACCESSORY TO THE PRIMARY AGRICULTURE OPERATION ON THE SITE. THIS TERM SHALL INCLUDE FARM TOURS, HAYRIDES, CORN MAZES, SEASONAL PETTING FARMS, FARM MUSEUMS, **GUEST FARMS**, PUMPKIN PATCHES, “PICK YOUR OWN” OR “CUT YOUR OWN” PRODUCE, CLASSES RELATED TO AGRICULTURAL PRODUCTS OR SKILLS, PICNIC AND PARTY FACILITIES OFFERED IN CONJUNCTION WITH THE ABOVE. NO USE THAT IS OTHERWISE IDENTIFIED IN § 1-19-5.310 AS PERMITTED WITH SITE PLAN APPROVAL OR BY SPECIAL EXCEPTION IS PERMITTED AS AN AGRITOURISM ENTERPRISE.

**AIRCRAFT LANDING AND STORAGE AREA, PRIVATE.** LANDING AREAS OR HANGARS FOR STORING OR MAINTENANCE OF AIRCRAFT, WITH THE PRINCIPAL USER BEING THE OWNER OF THE PROPERTY.

**AIRPORT, PUBLIC.** ANY PUBLICLY OWNED AIRPORT LICENSED BY THE STATE OF MARYLAND AS A PUBLIC AIRPORT, WHICH MEETS MINIMUM SAFETY AND SERVICE STANDARDS AND IS OPEN FOR USE TO THE GENERAL FLYING PUBLIC.

~~ANIMAL BOARDING PLACE.~~ See COMMERCIAL KENNEL

**ANIMAL HOSPITAL/VETERINARY CLINIC.** THE USE OF PROPERTY BY LICENSED VETERINARY PRACTITIONERS FOR THE CARE AND TREATMENT OF THE DISEASES AND INJURIES OF ANIMALS AND WHERE ANIMALS MAY BE BOARDED DURING THEIR CONVALESCENCE.

**ANTIQUE SHOP.** THE USE OF PROPERTY FOR THE SELLING OF ITEMS SUCH AS WORKS OF ART, FURNITURE, OR DECORATIVE OBJECTS THAT HAVE VALUE AND SIGNIFICANCE BECAUSE OF FACTORS SUCH AS AGE, RARITY, OR HISTORICAL SIGNIFICANCE.

**ARTISAN AND CRAFT SHOP.** THE USE OF PROPERTY FOR THE PREPARATION, DISPLAY OR SALE OF INDIVIDUALLY CRAFTED ARTWORK, JEWELRY, FURNITURE, SCULPTURE, POTTERY, LEATHER CRAFT, HAND-WOVEN ARTICLES, AND OTHER ARTICLES OF ARTISTIC QUALITY, OR EFFECT, OR HANDMADE WORKMANSHIP. EXAMPLES INCLUDE CANDLE MAKING, GLASS BLOWING, WEAVING, POTTERY MAKING, WOODWORKING, SCULPTING, PAINTING, AND OTHER ASSOCIATED ACTIVITIES.

**ASSISTED LIVING FACILITY.** A FACILITY THAT PROVIDES HOUSING AND SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH RELATED SERVICES, OR A COMBINATION THEREOF, TO MEET THE NEEDS OF RESIDENTS WHO ARE UNABLE TO PERFORM OR WHO NEED ASSISTANCE WITH THE ACTIVITIES OF DAILY LIVING.

**AUCTION SALES – ANIMALS.** A STRUCTURE OR ENCLOSURE WHERE FARM LIVESTOCK ARE SOLD BY AUCTION.

**BATTING CAGE/RANGE.** A TRACT OF LAND LAID OUT WITH ~~An~~ an enclosed area containing pitching machines and batting areas wherein softballs and/or baseballs are propelled toward a batter. ~~The area must be enclosed using materials sufficient to contain the balls within the structure.~~ **A BATTING CAGE/RANGE MAY INCLUDE A SNACK BAR, A PRO-SHOP, AND RETAIL SALES OF BATTING EQUIPMENT AS ACCESSORY USES.**

***BED AND BREAKFAST (B&B).*** AN OWNER-OCCUPIED RESIDENCE, IN WHICH PRIMARILY SLEEPING ACCOMMODATIONS ARE PROVIDED FOR COMPENSATION TO TRANSIENT GUESTS IN NOT MORE THAN FOUR GUEST ROOMS. A B&B MAY INCLUDE THE PROVISION OF MEALS FOR OVERNIGHT GUESTS ONLY. A B&B IS NOT A HOME OCCUPATION. (SEE COUNTRY INN)

***BIORETENTION.*** A WATER QUALITY PRACTICE THAT UTILIZES LANDSCAPING AND SOILS TO TREAT STORMWATER RUNOFF BY COLLECTING IT IN SHALLOW DEPRESSIONS BEFORE FILTERING THROUGH A FABRICATED PLANTING SOIL MEDIA.

~~*BOARDINGHOUSE.* A DWELLING IN WHICH FOR COMPENSATION, LODGING WILL BE PROVIDED AND MEALS MAY BE PROVIDED TO PERMANENT RESIDENTS OF THE BOARDINGHOUSE OR TO NO MORE THAN 4 TRANSIENT GUESTS OF THE BOARDINGHOUSE. A BOARDINGHOUSE IS NOT A HOME OCCUPATION OR A GROUP HOME.~~

***CAMPGROUND, RECREATIONAL VEHICLE.*** LAND FOR TRANSIENT OCCUPANCY BY CAMPING IN TENTS, CAMP TRAILERS, TRAVEL TRAILERS, MOTOR HOMES, OR SIMILAR MOVABLE TEMPORARY SLEEPING QUARTERS FOR RECREATION, EDUCATIONAL, OR VACATION PURPOSES.

***CAMPGROUND, TENT.*** LAND INTENDED FOR OCCUPANCY IN TENTS AS TEMPORARY LIVING QUARTERS FOR RECREATION, EDUCATIONAL, OR VACATION PURPOSES.

***CARETAKER ~~APARTMENT RESIDENCE~~*** IN CONJUNCTION WITH A PERMITTED USE. AN **OWNER OR CARETAKER OCCUPIED** INDEPENDENT SELF-CONTAINED DWELLING UNIT ON THE SAME LOT, OR WITHIN THE SAME BUILDING, ACCESSORY TO A PERMITTED USE. I. E. OWNER OR CARETAKER. (~~SEE ALSO ACCESSORY APARTMENT~~)

***CARNIVAL OR CIRCUS.*** THE TEMPORARY USE OF PROPERTY FOR ANIMAL DISPLAYS, RIDES, ENTERTAINMENT, TRAVELING SHOWS, EXHIBITIONS, OR GAMES OF SKILL OR CHANCE.

***CHILD CARE CENTER/NURSERY SCHOOL.*** THE USE OF PROPERTY WHICH IS LICENSED BY THE STATE OF MARYLAND, AS A CHILD CARE CENTER OR NURSERY SCHOOL PURSUANT TO COMAR 13A.09.09.10B, AS AMENDED.

~~*CHILD CARE CENTER.* AN AGENCY, INSTITUTION, OR ESTABLISHMENT OFFERING OR SUPPLYING CHILD CARE TO 7 OR MORE CHILDREN, INFANCY TO AGE 12, WHO DO NOT HAVE THE SAME PARENTAGE, FOR A PART OR ALL OF A DAY ON A REGULAR SCHEDULE OF MORE THAN ONCE PER WEEK.~~

~~*CHIP AND PUTT GOLF COURSE.* A par 3 golf course consisting of no more than 9 holes, of which no hole is longer than 80 yards.~~ ***A TRACT OF LAND LAID OUT FOR A PAR 3 GOLF COURSE, IMPROVED WITH TEES, GREENS, FAIRWAYS AND HAZARDS. A CHIP AND PUTT GOLF COURSE MAY INCLUDE A SNACK BAR, A PRO-SHOP, AND RETAIL SALES OF GOLF EQUIPMENT AS ACCESSORY USES.***

***CIVIC COMMUNITY CENTER.*** THE USE OF PROPERTY FOR A BUILDING WHICH SERVES A PUBLIC FUNCTION, TO BE USED FOR CULTURAL, RECREATIONAL OR SOCIAL ACTIVITIES, INCLUDING SENIOR CENTERS, AND SIMILAR COMMUNITY OR GOVERNMENT FACILITIES.

***CIVIC SERVICE CLUB.*** BUILDINGS AND FACILITIES USED FOR A SOCIAL OR RECREATIONAL FUNCTION, TO WHICH MEMBERSHIP IS REQUIRED FOR PARTICIPATION, NOT PRIMARILY OPERATED FOR PROFIT OR TO RENDER A SERVICE THAT IS CUSTOMARILY CARRIED ON AS A BUSINESS. THIS USE INCLUDES 4-H, AMERICAN LEGION, EAGLES, ELKS, LIONS, RURITAN, VFW, AND SIMILAR CLUBS.

***COLLEGE OR UNIVERSITY.*** AN INSTITUTION FOR POST SECONDARY EDUCATION, PUBLIC OR PRIVATE, OFFERING COURSES IN GENERAL, TECHNICAL, OR RELIGIOUS EDUCATION.

***COMMUNITY FIRE AND RESCUE SERVICE.*** THE USE OF PROPERTY OR BUILDINGS WHICH SERVE A NEIGHBORHOOD PUBLIC FUNCTION FOR NON-GOVERNMENTAL FIRE OR RESCUE SERVICES AND ASSOCIATED ACTIVITIES. GOVERNMENT OWNED FIRE AND RESCUE SERVICES ARE INCLUDED IN THE CATEGORY OF PUBLIC BUILDINGS AND PROPERTIES.

***CONTINUING CARE RETIREMENT COMMUNITY.*** A BUILDING OR GROUP OF BUILDINGS PROVIDING A CONTINUITY OF RESIDENTIAL OCCUPANCY AND HEALTH CARE FOR ELDERLY PERSONS AND MEETING THE STANDARDS OF THE ANNOTATED CODE OF MARYLAND FOR A FACILITY OF THIS TYPE. THE FACILITY INCLUDES DWELLING UNITS FOR INDEPENDENT LIVING, ASSISTED LIVING, SKILLED NURSING CARE OR A COMBINATION THEREOF. THE USE MAY INCLUDE INCIDENTAL FACILITIES FOR THE FURTHER EMPLOYMENT, SERVICE, OR CARE OF THE RESIDENTS. THE FACILITY IS RESTRICTED TO PERSONS 60 YEARS OF AGE OR OLDER OR COUPLES WHERE A SPOUSE IS 60 YEARS OF AGE OR OLDER.

~~***COUNTRY INN.*** AN ESTABLISHMENT FOR DINING PURPOSES THAT IS LOCATED WITHIN A STRUCTURE THAT EXISTS ON JANUARY 24, 1977.~~

***COUNTRY INN.*** THE USE OF A STRUCTURE THAT EXISTED ON JANUARY 24, 1977, IN WHICH OVERNIGHT OR OTHERWISE TEMPORARY LODGING AND MEALS ARE PROVIDED IN EXCHANGE FOR COMPENSATION, TO TRANSIENT GUESTS IN NOT MORE THAN EIGHT GUEST ROOMS, ALONG WITH ONE OR MORE OF THE FOLLOWING SERVICES: RESTAURANT, BANQUET FACILITY, CATERING SERVICE, AND MAY INCLUDE MEETING ROOMS.

***DOG RUN, OUTSIDE.*** AN ENCLOSED OUTDOOR AREA INTENDED FOR THE EXERCISING AND/OR CONTAINMENT OF DOGS AND SIMILAR ANIMALS.

***ENVIRONMENTAL SITE DESIGN.*** USING SMALL SCALE STORMWATER MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND BETTER SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES.

***FAIRGROUND.*** MULTIPLE BUILDINGS AND ACCESSORY STRUCTURES TO BE USED FOR TEMPORARY OUTDOOR EVENTS, WITH A MIXTURE OF USES WHICH INCLUDE FAIRS, ANIMAL SHOWS AND JUDGING, CARNIVALS, FOOD BOOTHS AND STANDS, GAMES, RIDES, RODEOS, AND OTHER CUSTOMARY ACCESSORY USES.

***FAMILY DAY CARE HOME.*** A PRIVATE RESIDENCE IN WHICH CARE, PROTECTION, AND SUPERVISION IS PROVIDED TO NO MORE THAN EIGHT CHILDREN, WITH NO MORE THAN TWO CHILDREN UNDER THE AGE OF TWO, AT ONE TIME FOR A FEE. THIS NUMBER INCLUDES THE PROVIDER'S CHILDREN UNDER THE AGE OF SIX. THIS USE IS PERMITTED AS A HOME OCCUPATION WITH MINOR IMPACT.

**FARM EQUIPMENT SALES OR SERVICE.** THE USE OF PROPERTY FOR SELLING, RENTING, OR REPAIRING AGRICULTURAL MACHINERY, EQUIPMENT, AND SUPPLIES FOR USE IN SOIL PREPARATION, PLANTING, CARE AND HARVESTING OF CROPS, AND OPERATIONS AND PROCESSES PERTAINING TO FARMING.

**FARM WINERY.** THE USE OF THE PROPERTY FOR THE PROCESSING OF FRUIT FOR THE PRODUCTION OF WINE OR JUICE ON A PRODUCING VINEYARD, ORCHARD OR SIMILAR GROWING AREA, OR A FARM. A FARM WINERY MUST HAVE **A MINIMUM OF 10 ACRES**, A VALID CLASS IV MARYLAND WINE LICENSE AND MUST GROW 1 ACRE OF FRUIT FOR EVERY 2,000 GALLONS OF WINE OR JUICE PRODUCED. FOR PURPOSES OF THIS USE, THE TERM “FARM” INCLUDES CONTIGUOUS AND NONCONTIGUOUS PARCELS WITHIN THE COUNTY IN ACTIVE AGRICULTURAL PRODUCTION WHICH ARE OWNED OR LEASED BY THE PROCESSOR.

**FEED OR GRAIN MILL.** THE USE OF PROPERTY FOR MANUFACTURING OF FOOD OR FEED FOR ANIMALS, FROM INGREDIENTS SUCH AS GRAINS.

**FORESTRY.** THE MANAGEMENT OF FOREST AND TIMBERLANDS THROUGH SELECTIVE TREE CUTTING IN ACCORDANCE WITH SOUND FOREST MANAGEMENT PRACTICES INCLUDING PLANTING, CULTIVATING, HARVESTING, TRANSPORTING, AND SELLING TIMBER FOR COMMERCIAL PURPOSES. NO USE THAT IS OTHERWISE IDENTIFIED IN § 1-19-5.310 AS PERMITTED WITH SITE PLAN APPROVAL OR BY SPECIAL EXCEPTION IS PERMITTED AS FORESTRY.

**GOLF COURSE.** A TRACT OF LAND LAID OUT FOR AT LEAST NINE HOLES FOR PLAYING GOLF, IMPROVED WITH TEES, GREENS, FAIRWAYS AND HAZARDS. A GOLF COURSE MAY INCLUDE A CLUBHOUSE WITH RESTAURANT/DINING FACILITY, A PRO-SHOP, AND RETAIL SALES OF GOLF EQUIPMENT AS ACCESSORY USES.

**GOLF DRIVING RANGE.** A TRACT OF LAND LAID OUT FOR A GOLF DRIVING RANGE IMPROVED WITH TEE AREAS AND DISTANCE MARKERS. A GOLF DRIVING RANGE MAY INCLUDE A SNACK BAR, A PRO-SHOP, AND RETAIL SALES OF GOLF EQUIPMENT AS ACCESSORY USES.

~~GROUP HOME, **SMALL PRIVATE.** A DWELLING OWNED OR LEASED BY A GOVERNMENTAL OR NONPROFIT ORGANIZATION AND USED TO HOUSE A GROUP OF PERSONS NOT NECESSARILY RELATED BY BLOOD. A STAFF IS EMPLOYED AND USED AS COUNSELORS OR HOUSE PARENTS. THE PARENT AGENCY OR INSTITUTION HAS THE ADMINISTRATIVE, SUPERVISORY AND SERVICE RESPONSIBILITY FOR THE GROUP HOME.~~ **A RESIDENCE THAT HOUSES NOT MORE THAN 8 INDIVIDUALS WHO REQUIRE SPECIALIZED LIVING ARRANGEMENTS AND PROVIDES HEALTH SERVICES AND SUPERVISION TO THOSE INDIVIDUALS.**

~~GROUP HOME, **LARGE.** A RESIDENCE THAT ADMITS AT LEAST 9 BUT NOT MORE THAN 16 INDIVIDUALS WHO REQUIRE SPECIALIZED LIVING ARRANGEMENTS AND PROVIDES HEALTH SERVICES AND SUPERVISION TO THOSE INDIVIDUALS.~~

**GUEST FARM.** A FARM USED FOR TEMPORARY RENTAL ACCOMMODATIONS OF NO MORE THAN 4 GUEST ROOMS, WHICH MAY INCLUDE MEALS FOR GUESTS ONLY, FOR THE PURPOSE OF EXPERIENCING FARM OR RANCH ACTIVITIES INCLUDING HORSEBACK RIDING.

**HARDWARE/GARDEN CENTER.** THE USE OF PROPERTY FOR THE RETAIL SALES OF VARIOUS **FEED AND SEED PRODUCTS, AND** BASIC HARDWARE LINES SUCH AS PLUMBING, HEATING, AND ELECTRICAL SUPPLIES AND TOOLS. THIS USE INCLUDES THE SALE OF RETAIL AND WHOLESALE PRODUCTS AND PRODUCE RELATED TO THE PLANTING, MAINTAINING, OR HARVESTING OF TREES, SHRUBS, PLANTS, GRASSES OR SOD, FERTILIZERS, SOILS, CHEMICALS, OR OTHER NURSERY GOODS AND RELATED PRODUCTS IN SMALL QUANTITY TO CONSUMERS INCLUDING RETAIL SALES OF POWER EQUIPMENT AND MACHINERY SUCH AS MOWERS, TRIMMERS, AND OTHER TOOLS AND IMPLEMENTS.

**HOBBY SHOP.** THE USE OF PROPERTY FOR RETAIL SALE OF HOBBY OR CRAFT SUPPLIES, TOYS, ARTIST SUPPLIES, ARTWORK, FRAMING SERVICES OR COLLECTOR ITEMS, INCLUDING COINS, STAMPS, AUTOGRAPHS, MEMORABILIA, OR CARDS.

**HOME OCCUPATION.** ANY OCCUPATION OR BUSINESS USE CONDUCTED ENTIRELY WITHIN A DWELLING OR AN ACCESSORY STRUCTURE, OR BOTH, BY A RESIDENT OF THE PROPERTY, AND WHICH IS CLEARLY AN INCIDENTAL RESIDENTIAL USE OF THE BUILDING, EXCLUDING ANTIQUE SHOPS ~~IN THE VC, HS, AND GC; BOARDING OR ROOMING HOUSES OR TOURIST HOMES~~ **BED AND BREAKFAST**; COMMERCIAL REPAIR OR STORAGE OF AUTOMOBILES, WATERCRAFT, OR OTHER MOTOR VEHICLES; COMMERCIAL STABLES, KENNELS, AND NURSERIES; MORTUARY ESTABLISHMENTS; PROFESSIONAL OFFICES; RESTAURANTS OR TEA ROOMS.

**HORSE TACK AND SADDLERY SHOP.** THE USE OF PROPERTY FOR RETAIL SALE OF TACK, OR EQUIPMENT FOR HORSES SUCH AS SADDLES OR HARNESSES.

**INDOOR SPORTS RECREATION FACILITY.** A BUILDING PRIMARILY OPERATED FOR THE PURPOSE OF PROVIDING INDOOR SPORTS AND RECREATION SUCH AS A SPORTS-PLEX FOR SOCCER, LACROSSE, RACQUET SPORTS, GYMNASTICS, AND SOFT PLAY FITNESS AREAS, BUT MAY ALSO INCLUDE ROCK CLIMBING, GYMNASIUM, BOWLING ALLEY, KARATE STUDIO, LASER TAG, PAINT BALL, RACE TRACK, BILLIARD HALL, SKATING RINK, ROLLER RINK, BATTING CAGE, SWIMMING POOL, OR OTHER SIMILAR USES. THIS USE MAY ALSO INCLUDE ASSOCIATED OUTDOOR RECREATION FIELDS.

**KENNEL.** A FACILITY WHERE NINE (9) OR MORE DOGS, CATS OR OTHER DOMESTIC ANIMALS OVER THREE MONTHS OF AGE ARE KEPT, RAISED, SOLD, BOARDED, BRED, SHOWN, TREATED, OR GROOMED. ~~ANY BUILDING OR LAND USED FOR THE BOARDING, BREEDING, HOUSING, TRAINING OR CARE OF MORE THAN 9 DOGS, CATS OR OTHER DOMESTIC ANIMALS KEPT FOR PURPOSES OF SHOW, HUNTING, SALE OR RENTAL. THIS DEFINITION DOES NOT INCLUDE RIDING STABLES.~~

**LANDSCAPE CONTRACTOR.** A BUSINESS PRINCIPALLY ENGAGED IN THE DESIGNING, INSTALLING, PLANTING OR MAINTAINING OF YARDS, GARDENS OR OTHER GROUNDS OFFSITE TO INCLUDE THE FOLLOWING: LANDSCAPE INSTALLATION, CARE AND MAINTENANCE SERVICES; LAWN CARE SERVICES (I.E. FERTILIZING, MOWING, SEEDING, SOD LAYING, SPRAYING); PLANT, SHRUB AND TREE SERVICES (I.E., BRACING, PLANTING, PRUNING, REMOVAL, SPRAYING, TRIMMING); SEASONAL PROPERTY MAINTENANCE SERVICES (I.E., SNOW PLOWING IN WINTER, LANDSCAPING DURING OTHER SEASONS)

**MINIATURE GOLF COURSE.** A TRACT OF LAND LAID OUT FOR AT LEAST NINE HOLES FOR PLAYING MINIATURE GOLF, IMPROVED WITH TEES, PUTTING SURFACES, HAZARDS, AND EQUIPMENT FOR RENTAL OR LIMITED SALE. A MINIATURE GOLF COURSE MAY INCLUDE A SNACK BAR, A PRO-SHOP, AND RETAIL SALES OF GOLF EQUIPMENT AS ACCESSORY USES.



**MOTORCYCLE HILL CLIMB.** THE TEMPORARY USE OF THE PROPERTY FOR A MOTORCYCLE HILL CLIMBING EVENT.

**MUSEUM/GALLERY.** A COMMERCIAL ESTABLISHMENT FOR PRESERVING AND EXHIBITING ARTISTIC, HISTORICAL, SCIENTIFIC, NATURAL, OR MAN-MADE OBJECTS OF INTEREST. A MUSEUM OR GALLERY MAY INCLUDE THE SALE OF THE OBJECTS, MEMORABILIA, CRAFTS OR ARTWORK.

**NRCS.** NATURAL RESOURCES CONSERVATION SERVICE.

**NURSERY RETAIL.** THE USE OF PROPERTY FOR THE PLANTING, MAINTAINING AND HARVESTING OF TREES, SHRUBS, PLANTS, GRASSES OR SOD FOR SALE TO OTHER NURSERIES, LANDSCAPE CONTRACTORS, RETAIL OUTLETS. THIS USE INCLUDES ON-SITE PUBLIC RETAIL SALES RELATED TO THE PLANTING, MAINTAINING, OR HARVESTING OF TREES, SHRUBS, PLANTS, GRASSES OR SOD, FERTILIZERS, SOILS, CHEMICALS, OR OTHER NURSERY GOODS AND RELATED PRODUCTS IN SMALL QUANTITY TO CONSUMERS.

**NURSERY WHOLESALE.** THE USE OF PROPERTY FOR THE PLANTING, MAINTAINING AND HARVESTING OF TREES, SHRUBS, PLANTS, GRASSES OR SOD FOR SALE TO OTHER NURSERIES, LANDSCAPE CONTRACTORS OR RETAIL OUTLETS.

~~NURSING HOME. REST HOMES, CONVALESCENT HOMES OR HOMES FOR THE AGED AND MEANS A PLACE DEVOTED PRIMARILY TO THE MAINTENANCE AND OPERATION OF FACILITIES FOR THE TREATMENT AND CARE OF ANY PERSONS SUFFERING FROM ILLNESSES, DISEASES, DEFORMITIES OR INJURIES WHO DO NOT REQUIRE EXTENSIVE OR INTENSIVE CARE SUCH AS IS NORMALLY PROVIDED IN A GENERAL OR OTHER SPECIALIZED HOSPITAL. A NURSING HOME DOES PROVIDE MEDICAL, NURSING, CONVALESCENT, OR CHRONIC CARE IN ADDITION TO ROOM AND BOARD.~~

**NURSING HOME.** A FACILITY THAT PROVIDES TREATMENT AND NURSING CARE BY, OR SUPERVISED BY, A REGISTERED OR PRACTICAL NURSE FOR 2 OR MORE UNRELATED INDIVIDUALS SUFFERING FROM ILLNESS, DISEASES, DEFORMITIES OR INJURIES WHO DO NOT REQUIRE EXTENSIVE OR INTENSIVE CARE SUCH AS NORMALLY PROVIDED IN A GENERAL OR OTHER SPECIALIZED HOSPITAL.

**OUTDOOR CLUB.** THE USE OF PROPERTY OR A FACILITY OPERATED FOR RECREATIONAL, EDUCATIONAL, OR SOCIAL PURPOSE, SUCH AS HUNTING, FISHING, OR OTHER SIMILAR ACTIVITY FOR THE EXCLUSIVE USE OF MEMBERS AND THEIR GUESTS.

**OUTDOOR RECREATION CENTER.** THE USE OF PROPERTY FOR A GOLF DRIVING RANGE, CHIP AND PUTT, MINIATURE GOLF, BATTING CAGE/RANGE, OR PUTTING GREEN, **OR ANY COMBINATION OF THESE USES.**

**OUTDOOR SPORTS RECREATION FACILITY.** THE USE OF PROPERTY FOR OUTDOOR RECREATIONAL ACTIVITIES WHERE CLEARING IS MINIMIZED INCLUDING BUT NOT LIMITED TO FIELD SPORTS, PAINTBALL, LASER TAG, ORIENTEERING, HIKING, HORSEBACK RIDING, OR BICYCLING.

**OVERLAY ZONING DISTRICT.** AN AREA WHERE CERTAIN ADDITIONAL REQUIREMENTS ARE SUPERIMPOSED UPON A BASE ZONING DISTRICT OR UNDERLYING DISTRICT AND WHERE THE REQUIREMENTS OF THE BASE OR UNDERLYING DISTRICT MAY OR MAY NOT BE ALTERED.

**PET TRAINING/DAYCARE/GROOMING FACILITY.** AN ESTABLISHMENT WHICH FOR A FEE PROVIDES TRAINING, DAYCARE, GROOMING, TRIMMING, CLEANING, AND OTHER ASSOCIATED SERVICES TO DOMESTIC PETS SUCH AS DOGS OR CATS AND WHICH MAY SELL PET SUPPLIES AS AN INCIDENTAL USE. THIS TERM DOES NOT INCLUDE ESTABLISHMENTS WHICH BOARD PETS OVERNIGHT. (SEE KENNEL)

**PLACE OF ASSEMBLY/EVENT COMPLEX.** A FACILITY OR BUILDING(S) PROVIDING LARGE-SCALE RELIGIOUS, CULTURAL, OR SOCIAL ACTIVITIES/EVENTS LARGER THAN 25,000 SQUARE FEET OF TOTAL FLOOR AREA OR EXCEEDING 300 PEAK HOURLY TRAFFIC TRIPS, OR EXCEEDING 900 MAXIMUM DAILY TRAFFIC TRIPS. THIS USE DOES NOT INCLUDE ARENA OR STADIUM.

**PLACE OF WORSHIP.** A FACILITY OR BUILDING(S) FOR THE PURPOSE OF PROVIDING SMALL-SCALE RELIGIOUS ACTIVITIES. ACCESSORY USES SHALL BE LIMITED TO THOSE CUSTOMARILY ASSOCIATED WITH A PLACE OF ASSEMBLY AS PROVIDED WITHIN THIS CHAPTER (SEE ARTICLE VIII. DIVISION 2. ACCESSORY USES) OR AS APPROVED BY THE ZONING ADMINISTRATOR.

**POWER GENERATION, FARM ANIMAL WASTE.** ACTIVITIES CONDUCTED ON A FARM FOR OPERATING GAS OR ELECTRIC GENERATING FACILITIES FROM CONVERTED FARM WASTE.

~~PRIVATE EDUCATIONAL INSTITUTION. A PRIVATE SCHOOL, EDUCATIONAL OR TRAINING INSTITUTION WHICH OFFERS A PROGRAM OF COLLEGE, PROFESSIONAL, PREPARATORY, PRIMARY OR SECONDARY EDUCATION INSTRUCTION, OR ANY COMBINATION THEREOF, OR ANY OTHER PROGRAM OF TRADE, TECHNICAL, OR ARTISTIC INSTRUCTION, BUT SUCH TERM DOES NOT INCLUDE ANY EDUCATIONAL INSTITUTION OF THE COUNTY BOARD OF EDUCATION.~~

**PUBLIC BUILDINGS AND PROPERTIES.** ANY PUBLIC BUILDING HELD, USED, OR CONTROLLED FOR PUBLIC PURPOSES BY ANY GOVERNMENT AGENCY, COUNTY, STATE, OR MUNICIPAL.

**PUTTING GREEN.** A TRACT OF LAND LAID OUT FOR GOLF PUTTING AND/OR CHIPPING. A PUTTING GREEN MAY INCLUDE A SNACK BAR, PRO-SHOP, AND RETAIL SALES OF GOLF EQUIPMENT AS ACCESSORY USES.

**ROADSIDE STAND, COMMERCIAL.** A USE, WHICH MAY INCORPORATE A STRUCTURE, THAT OFFERS FOR SALE AGRICULTURAL PRODUCTS, THE MAJORITY OF WHICH ARE PRODUCED BY THE OWNER WITHIN THE COUNTY AND WITHIN THE IMMEDIATE NEIGHBORHOOD OF THE LOCATION OF THE USE. THIS USE DOES NOT INCLUDE SEASONAL PUMPKIN PATCHES, “PICK YOUR OWN” OR “CUT YOUR OWN” PRODUCE OR OTHER AGRITOURISM ENTERPRISE ACTIVITIES CONDUCTED ON A FARM RELATED TO AGRICULTURE AND ACCESSORY TO THE PRIMARY AGRICULTURE OPERATION ON THE FARM.

**ROADSIDE STAND, LIMITED.** THE USE OF NO MORE THAN 300 SQUARE FEET, WHICH MAY INCORPORATE A STRUCTURE, FOR THE SALE OF AGRICULTURAL PRODUCTS THE MAJORITY OF WHICH ARE PRODUCED BY THE OWNER ON SITE. THIS USE DOES NOT INCLUDE SEASONAL PUMPKIN PATCHES, “PICK YOUR OWN” OR “CUT YOUR OWN” PRODUCE OR OTHER AGRITOURISM ENTERPRISE ACTIVITIES CONDUCTED ON A FARM RELATED TO AGRICULTURE AND ACCESSORY TO THE PRIMARY AGRICULTURE OPERATION ON THE FARM.

~~ROADSIDE STAND. A USE, WHICH MAY INCORPORATE A STRUCTURE, THAT OFFERS FOR SALE AGRICULTURAL PRODUCTS, THE MAJORITY OF WHICH ARE PRODUCED BY THE OWNER WITHIN THE COUNTY AND WITHIN THE IMMEDIATE NEIGHBORHOOD OF THE LOCATION OF THE USE.~~

**RODEO.** THE USE OF PROPERTY FOR EXHIBITIONS FEATURING ANIMAL RIDING, ROPING, STEER WRESTLING, BULL RIDING OR SIMILAR SPORTING EVENTS FEATURING ANIMALS.

**RUSTIC RETREAT/CAMP.** A FACILITY OR LAND USED FOR OUTDOOR SKILLS INSTRUCTION, RECREATION, TEMPORARY LODGING, OR A RETREAT FOR GROUP MEETINGS OR INSTRUCTION, LOCATED IN A RURAL SETTING WHICH MAY PROVIDE MEALS, RUDIMENTARY FACILITIES, AND RECREATIONAL AMENITIES OF A RURAL NATURE FOR PARTICIPANTS DURING THE PERIOD OF THE RETREAT OR PROGRAM ONLY.

**SAWMILL.** THE USE OF PROPERTY WHERE LOGS ARE DEBARKED AND SAWN INTO DIMENSION LUMBER. SUCH OPERATIONS MAY INCLUDE BUT ARE NOT LIMITED TO, PROCESSING, DRYING, FINISHING, OR SHIPPING OF LUMBER, AND COMMERCIAL FIREWOOD PROCESSING.

**SCHOOL BUS PARKING.** THE USE OF PROPERTY FOR THE STORAGE AND MINOR INCIDENTAL REPAIR OF OPERATIONAL SCHOOL BUSES FOR PROVIDERS CURRENTLY HAVING CONTRACTS WITH THE BOARD OF EDUCATION OF FREDERICK COUNTY OR NONPUBLIC SCHOOLS IN FREDERICK COUNTY. **THIS DEFINITION DOES NOT INCLUDE INDIVIDUAL SCHOOL BUS DRIVERS THAT PARK A SCHOOL BUS AT THEIR RESIDENCE DURING OFF HOURS.**

**SCHOOL, PRIVATE.** A PRIVATE EDUCATIONAL PROGRAM FOR STUDENTS FOR THE TEACHING OF CHILDREN OR ADULTS INCLUDING PRIMARY AND SECONDARY SCHOOLS, PROFESSIONAL SCHOOLS, DANCE SCHOOLS, BUSINESS SCHOOLS, TRADE SCHOOLS, ART SCHOOLS, AND SIMILAR FACILITIES.

**SCHOOL, PUBLIC.** AN EDUCATIONAL PROGRAM FOR STUDENTS APPROVED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION FOR THE TEACHING OF CHILDREN OR ADULTS INCLUDING ELEMENTARY AND SECONDARY SCHOOLS, AND SIMILAR FACILITIES. CHARTER SCHOOLS FUNDED BY THE STATE ARE INCLUDED IN THIS DEFINITION.

**SHOOTING RANGE/CLUB – TRAP, SKEET, RIFLE, ARCHERY.** A PERMANENTLY LOCATED AND IMPROVED AREA THAT IS DESIGNED AND OPERATED FOR THE SAFE USE OF TRAP, SKEET, RIFLES, ARCHERY, PISTOLS, SHOTGUNS, BLACK POWDER OR ANY OTHER SIMILAR SPORT SHOOTING AT TARGETS.

**SLUDGE PIT/SLUDGE HOLDING TANK.** A FACILITY DESIGNED FOR THE HOLDING OF SEWAGE SLUDGE FOR A PERIOD OF TIME PRIOR TO DISPOSAL **TYPICALLY CONSTRUCTED IN CONJUNCTION WITH GOVERNMENTAL USES.**

**SOLAR ARRAY.** A GROUND MOUNTED SOLAR COLLECTION SYSTEM CONSISTING OF A LINKED SERIES OF PHOTOVOLTAIC MODULES.

**SOLAR COLLECTION SYSTEM.** A PANEL OR OTHER SOLAR ENERGY DEVICE, THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE FOR THE COLLECTION, INVERSION, STORAGE, AND DISTRIBUTION OF SOLAR ENERGY FOR ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING OR WATER HEATING.

**SOLID WASTE COMPOSTING.** THE PROCESS BY WHICH ORGANIC SOLID WASTE IS BIOLOGICALLY DECOMPOSED UNDER CONTROLLED CONDITIONS TO YIELD A NUISANCE-FREE, HUMUS-LIKE PRODUCT. TYPICALLY CONSTRUCTED IN CONJUNCTION WITH GOVERNMENTAL USES.

**SPRING WATER HARVESTING OR STORAGE.** THE USE OF PROPERTY FOR COLLECTION, STORAGE, PURIFICATION AND TRANSPORTATION OF SPRING WATER.

**STABLE, BOARDING.** THE USE OF PROPERTY WHICH MAY INCLUDE ACCESSORY STRUCTURE(S) FOR HOUSING, SHELTERING, FEEDING AND CARE OF A MAXIMUM OF 20 HORSES OR PONIES FOR A FEE. A MINIMUM OF 1 ½ ACRES PER HORSE SHALL BE PROVIDED. ASSOCIATED RIDING, JUMPING, INDIVIDUAL INSTRUCTION FOR THOSE ANIMALS BOARDED AT THE STABLE, AND UNLIT OUTDOOR ARENAS ARE PERMITTED.

**STABLE, COMMERCIAL BOARDING.** THE USE OF PROPERTY WHICH MAY INCLUDE ACCESSORY STRUCTURE(S) FOR HOUSING, SHELTERING, FEEDING AND CARE OF HORSES OR PONIES FOR A FEE. A MINIMUM OF 1 ½ ACRES PER HORSE SHALL BE PROVIDED. ASSOCIATED INDIVIDUAL AND GROUP INSTRUCTION IN RIDING, JUMPING AND SHOWING FOR THOSE ANIMALS BOARDED AT THE STABLE, AND ARENAS WITH OUTDOOR LIGHTING ARE PERMITTED. SUCH OPERATIONS MAY ALSO INCLUDE A HORSE TACK AND SADDLERY SHOP (SEE §1-19-8.230.1)

**STORAGE TANK, GASOLINE.** THE USE OF PROPERTY FOR AN ABOVEGROUND STORAGE TANK (AST) OR CONTAINER DESIGNED FOR THE STORAGE OF PETROLEUM PRODUCTS WITH A CAPACITY NOT TO EXCEED 1,100 GALLONS. THIS USE IS PROHIBITED WITHIN WELLHEAD PROTECTION AREAS, SEE ARTICLE IV, § 1-6-50 OF THE WELLHEAD PROTECTION CODE.

~~TOURIST HOME. A BUILDING ARRANGED OR USED FOR LODGING, WITH OR WITHOUT MEALS, FOR COMPENSATION, BY MORE THAN 5 AND NOT MORE THAN 20 INDIVIDUALS.~~

**VETERINARY CLINIC.** THE USE OF PROPERTY FOR THE PRACTICE OF VETERINARY MEDICINE, DENTISTRY, OR SURGERY FOR ANIMALS.

~~VOCATIONAL/SPORTS TRAINING FACILITY. A FACILITY OPERATED FOR THE PURPOSE OF PROVIDING TRAINING AND CONDITIONING FOR BEGINNER THROUGH ADVANCED LEVELS, SERVING STUDENTS, ATHLETES AND/OR COACHES IN A VARIETY OF ATHLETIC OR SIMILAR PURSUITS, INCLUDING BUT NOT LIMITED TO GYMNASTICS, SWIMMING, WEIGHT TRAINING AND CONDITIONING, CHEERLEADING, AND AEROBICS.~~

**WIND ENERGY SYSTEM.** EQUIPMENT THAT CONVERTS AND STORES OR TRANSFERS ENERGY FROM THE WIND INTO ELECTRICITY OR OTHER USABLE FORMS OF ENERGY. THIS EQUIPMENT INCLUDES ANY BASE, VANE, BLADE, FOUNDATION, GENERATOR, ALTERNATOR, TOWER, TRANSFORMER, TAIL, WIRE, INVERTER, BATTERIES, GUY WIRE OR OTHER COMPONENT USED IN THE SYSTEM.

**WIND ENERGY SYSTEM, LIMITED.** A SINGLE-TOWERED WIND ENERGY SYSTEM THAT HAS A RATED NAMEPLATE CAPACITY OF 50 KILOWATTS OR LESS; AND HAS A TOTAL HEIGHT OF 150 FEET OR LESS.

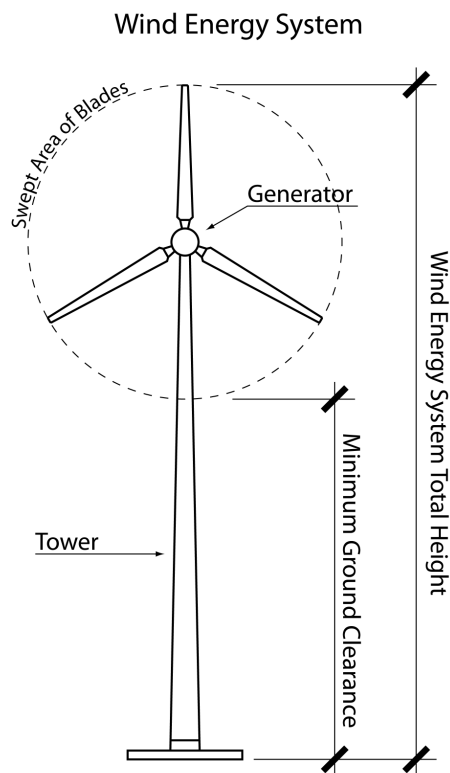
**WIND ENERGY SYSTEM OWNER.** THE INDIVIDUAL THAT OWNS, OR INTENDS TO OWN, THE PROPERTY UPON WHICH THEY WILL OPERATE A WIND ENERGY SYSTEM.

**WIND ENERGY SYSTEM ROTOR DIAMETER.** THE CROSS SECTIONAL DIMENSION OF THE CIRCLE SWEEPED BY THE ROTATING BLADES.

**WIND ENERGY SYSTEM TOTAL HEIGHT.** THE VERTICAL DISTANCE FROM GROUND LEVEL TO THE TIP OF A WIND GENERATOR VANE OR BLADE WHEN THE TIP IS AT ITS HIGHEST POINT.

**WIND GENERATOR.** BLADES AND ASSOCIATED MECHANICAL AND ELECTRICAL CONVERSION COMPONENTS MOUNTED ON TOP OF THE TOWER.

**WIND TOWER.** THE MONOPOLE, FREESTANDING, OR GUYED STRUCTURE THAT SUPPORTS A WIND GENERATOR.



**WOOD WASTE RECYCLING FACILITY, LIMITED.** A FACILITY THAT ACCEPTS NATURAL WOOD WASTE SUCH AS STUMPS, TREE LIMBS, AND YARD WASTE. A LIMITED WOOD WASTE RECYCLING FACILITY PRODUCES A VARIETY OF PRODUCTS FROM THIS WASTE INCLUDING MULCH AND COMPOST, FOR RETAIL SALES.

**WOOD WASTE RECYCLING FACILITY, UNLIMITED.** A FACILITY THAT ACCEPTS NATURAL WOOD WASTE SUCH AS STUMPS, TREE LIMBS, PROCESSED WOOD PRODUCTS, AND YARD WASTE. A WOOD WASTE RECYCLING FACILITY PRODUCES A VARIETY OF PRODUCTS FROM THIS WASTE INCLUDING MULCH AND COMPOST, FOR RETAIL SALES. FOR THE PURPOSES OF THIS DEFINITION PROCESSED WOOD PRODUCTS IS WOOD WASTE THAT INCLUDES CUTOFF, UNTREATED PIECES OF LUMBER.

**YARD STORAGE.** THE USE OF PROPERTY FOR THE STORAGE, STOCKPILING, OR SAFEKEEPING OF ANY EQUIPMENT, PRODUCTS OR MATERIALS (IN USABLE CONDITION) WHICH ARE NOT BEING SPECIFICALLY DISPLAYED AS MERCHANDISE OR FOR THE PURPOSE OF OUTDOOR SALES DISPLAY.

**ZOO/BOTANICAL GARDEN/ARBORETUM.** A PUBLIC OR PRIVATE FACILITY FOR THE EXHIBITION AND OBSERVATION OF ANIMAL AND PLANT DISPLAYS.